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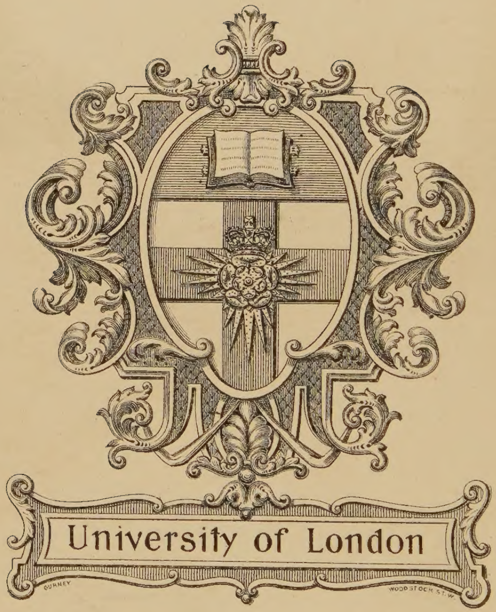
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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

15° & 16° VICTORIÆ, 1852.

VOL. CXXII.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF JUNE,

TO

THE FIRST DAY OF JULY, 1852.

Fourth and last Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; CALKIN AND BUDD; J. BIGG AND SON; J. BAIN; ALLEN AND CO.;
J. M. RICHARDSON; P. RICHARDSON; AND R. BALDWIN.

1852.

LONDON:
GEORGE WOODFALL AND SON,
ANGEL COURT, SKINNER STREET.

BIBL.
LONDIN.
UNIV.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1852, IN THE FIFTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, June 4, 1852.

MINUTES.] PUBLIC BILLS.—1ª Industrial and Provident Societies.
Reported.—Representative Peers for Scotland Act Amendment.

THEIR Lordships met; and having transacted the business on the paper, House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, June 4, 1852.

MINUTES.] NEW MEMBER SWORN. — For Sandwich, Lord Charles Pelham Clinton.
PUBLIC BILLS.—1° Disabilities Repeal.
2° Savings Banks (Ireland).
Reported.—Scutch Mills for Flax (Ireland).
3° Turnpike Trusts Arrangements; Suitors in Chancery Relief.

SUPPLY.

Order read for receiving the Report of the Resolutions in Supply.

MR. W. WILLIAMS said, that it was most unusual to proceed with Supply at 12 o'clock in the day; but in the position of public business he would not oppose the reception of the Report, or afterwards going into Committee, though he hoped the course now adopted would not be drawn into a precedent.

Resolutions *reported.*

The House then went into Committee of Supply; Mr. Bernal in the chair.

(1.) 17,920*l.* Board of Trade, Department of Practical Art, &c.

MR. W. WILLIAMS said, he was glad to state that this Vote had been productive of great public benefit, and that twenty-one Schools of Design, assisted by this grant, had been established throughout the country.

Vote *agreed to.*

(2.) Motion made, and Question put—

> "That a sum, not exceeding 2,006*l.* be granted to Her Majesty, to defray the Charge of Salaries and Allowances to certain Professors in the Universities of Oxford and Cambridge, to the 31st day of March, 1853."

MR. CHISHOLM ANSTEY said, he must oppose this Vote. He considered that as long as the Universities of Oxford and Cambridge were mere sectarian institutions, they had no right to come to that House, which represented the people of England, Scotland, and Ireland, of all classes and denominations, and to ask for public money in aid of their own resources, which were already sufficiently ample. The Church of England was the richest Church in the world, and, if the funds at the disposal of the Universities were insufficient, that Church could well afford to give them assistance. He had no objection to the items of grant—they were reasonable enough; but so long as the people at large derived no benefit from the institution, so long ought it to be supported out of its own funds, which were ample enough. Similar grants were not given to any dissenting body, and he saw no reason why an exception should be made in favour of the Universities of Oxford and Cambridge. He thought this grant to Oxford and Cambridge stood entirely upon the same footing as the Maynooth grant. The only difference was, that, in order to deprive Maynooth College of the grant now made to that institution, an Act of Parliament must be repealed, while, in order to discontinue the grant to Oxford and Cambridge, it was only necessary to negative this Vote. He might remind the Committee that the Universities of Oxford and Cambridge, which were not averse to receive a Parliamentary grant, had shown a stubborn determination to resist Parliamentary inquiry, and, in his opinion, grant and inquiry ought to go together. All they knew was, that these two Universities existed for the benefit of the Church of England alone; that they were largely and adequately endowed; that those who presided over them were "clothed in purple and fine linen, and fared sumptuously every day;" and that yet they stood in need of this miserable grant. He regarded this as a sectarian grant of the worst description, and he should certainly divide the Committee upon it.

Mr. W. WILLIAMS said, that he felt deep regret that these two national Universities should come annually to Parliament for a grant. He regretted the circumstance the more when he remembered their great wealth. The revenues of the University of Oxford alone amounted to about 75,000*l.* From the Report of the Commission appointed to institute an inquiry with respect to the Universities of Oxford and Cambridge, it appeared that there were in Oxford nineteen colleges, but only six out of the nineteen had kept any account of their revenues or proceedings. Six of the colleges had given an account, from which it appeared that the aggregate income of those colleges alone was 37,000*l.* a year. It was well known that some of the colleges at Oxford and Cambridge enjoyed incomes of 10,000*l.*, 20,000*l.*, 25,000*l.*, and even 30,000*l.* a year; and, considering their vast wealth, they certainly ought not to apply to that House for grants of public money.

Sir ROBERT H. INGLIS said, he was most unwilling ever to hear the Church of England described as a sect, and that such Votes as this were intended to support a sectarian establishment. The hon. and learned Member for Youghal (Mr. C. Anstey) ought to recollect that if these expressions had been used twenty-five years ago, he would have had very little chance of ever sitting in that House. It was because a great profession was made that it was not the intention of those members of the Roman Catholic religion, who sought admission within their walls, that they would not avail themselves of the opportunity which their position in that House would give them of assailing the time-honoured and cherished institutions of this country, that the decision in favour of their admission to seats in Parliament was mainly influenced. He would now advert more directly to the specific charge of the hon. and learned Member for Youghal against the Universities of Oxford and Cambridge. That hon. and learned Gentleman said that these demands ought to be met from the finances of the Universities themselves. He (Sir R. H. Inglis) contended that was a grant made originally by the Sovereign of England, and not by that House, as a dotation to science and literature, when the Civil List was not in its present mutilated form. It was contended, then, that it was most injurious to the interests of those Universities to bring under the discussion of that House the making of such allowances, inasmuch as the Crown could by its own unfettered act make the grant. He knew sufficiently well the minds of those learned bodies to whom the Vote was to be given, to be certain, that if that House would consent to relinquish the tax in the form of stamp duty upon degrees conferred by the two Universities, the Universities would cheerfully abstain for asking for this small vote. There were more than 2,600*l.* paid annually by those two bodies in the shape of stamps upon degrees. The hon. and learned Member said he was acting consistently in opposing this Vote, having also opposed the grant to Maynooth. Where would the hon. and learned Gentleman stop? There was a Vote on the paper for the Church of Scotland. He (Sir R. H. Inglis) would never consent to call the Church of Scotland a sectarian Church, yet they received a grant in aid of education. Then there was the University of London—

MR. CHISHOLM ANSTEY: That is an institution which opens its doors to every class and every creed; it is not sectarian.

SIR ROBERT H. INGLIS: No; the University of London is not sectarian, but it is worse than sectarian, because it is nothingarian. He found on the Votes Estimates for 3,957*l.* for the University of London, 7,500*l.* for the Universities in Scotland, 300*l.* for the Royal Irish Academy, 300*l.* for the Royal Hibernian Academy, 6,340*l.* for the Royal Dublin Society, 3,000*l.* for the Belfast Institution, 1,710*l.* for the Queen's University in Ireland. He did not, therefore, see why the Universities of Oxford and Cambridge should be made an exception. Upon these grounds, if the hon. and learned Member for Youghal felt it his duty to divide, he (Sir R. H. Inglis) would feel it his duty to oppose him—a duty he was prepared to discharge with the greatest pleasure.

MR. CHISHOLM ANSTEY said, he must maintain that the grant, when originally made, had been made by the Crown in its capacity as trustee for the Realm at large; and Parliament had always exercised a supervision over the application of the money. Either these supplies ought to be granted to every persuasion, or to none. Where an institution was founded solely for the benefit of one class of believers, it had no claims to support out of the national funds. He should, therefore, persevere in taking a division against the Vote, and against the whole of this class. He might observe, however, that the University of London, to which the hon. Baronet had referred, was not a sectarian establishment, but a national institution, open to all persons, without distinction of creed or class.

MR. S. CARTER said, that it appeared from the statement of the hon. Baronet, that these Universities demanded this grant for the purpose of recompensing themselves for their contribution to the general revenue. This, he did not think just or proper. The Universities were the most richly endowed institutions in the country; and after the refusal of all but six colleges to render any account of their revenues, they were entitled to no assistance from the State, it being evident that they had something to conceal. There was no analogy between this case and that of the London University. The two older Universities had abundant means of their own, without coming to Parliament for assistance.

The Committee *divided*:—Ayes 78; Noes 8: Majority 70.

Vote *agreed to;* as was also—

(3.) 3,957*l.*, University of London.

(4.) Motion made, and Question proposed—

> "That a sum, not exceeding 7,500*l.*, be granted to Her Majesty, to pay grants to Scottish Universities formerly defrayed from the Hereditary Revenues of the Crown, to the 31st day of March, 1853."

MR. CHISHOLM ANSTEY said, he must complain that this grant was only applicable to a certain section of the Protestants of Scotland—the members of the Free Church, as well as Roman Catholics, being excluded from the Scotch Universities. He considered that these Universities were exclusive, and he, therefore, would oppose the grant. Besides that, there were included in this sum the salaries of various professors of divinity. Now, as he was against pensioning any religion at the expense of another, he found an additional reason for the course he was pursuing. And considering that the religion of about one-half the people was proscribed within the walls of these colleges, he did not think that the Committee would assent to this vote. The Free Church had set a noble example. In the course of a few years they had raised a sum of nearly 3,000,000*l.* for the support of their own creed, including educational institutions. It would have been more liberal had the Government proposed a grant to the members of this Church. He denied that these grants could not be touched because they had been originally made by the Crown. The same objection might be urged against any alteration of the Judges' salaries. It was a great pity, for the sake of religion, that religion was ever established in any country as an exclusive creed, to receive endowments out of the public revenue. Under these circumstances he should move the suppression of the grant—not out of any sectarian feeling, but on a principle of justice to the community.

MR. G. A. HAMILTON said, he apprehended that whatever the power of Parliament might be, that House would always feel that, the hereditary revenue having been surrendered, the charges which had been imposed upon it by the Sovereigns of the country while they had it at their disposal, rested upon a very strong ground of justice as well as policy.

Mr. W. WILLIAMS, while admitting the benefits which the public had derived from the Scotch Universities, was opposed to the principle of charging these grants on the national revenue; he would suggest that the opposition should be confined to that part of the Vote which was for professors of divinity.

Mr. ALEXANDER HASTIE said, he could not vote for the withdrawal of the grant, because it included others besides theological professors.

Mr. COWAN said, he regretted that the House had rejected a Bill doing away with the tests required from professors in the Scotch Universities, which would have removed any objection to this Vote. The pittances allotted to the professors were most miserable; as a consequence, they were apt to be tempted away by more lucrative situations. The Treasury had been memorialised by the University of Edinburgh on this subject, and he hoped the matter would receive the attention of the Government.

Viscount DUNCAN said, he would take that opportunity of vindicating the character of the University of Cambridge, which had been termed sectarian. He himself saw a Dissenter attending lectures at that University.

Mr. CHISHOLM ANSTEY said, he would adopt the suggestion of the hon. Member for Lambeth (Mr. W. Williams), and move that the grant be reduced by 595*l.*

Motion made, and Question put—

> "That a sum, not exceeding 6,905*l.*, be granted to Her Majesty, to pay Grants to Scottish Universities formerly defrayed from the Hereditary Revenues of the Crown, to the 31st day of March, 1853."

Sir GEORGE CLERK said, that if any class of professors ought to have an exception in their favour, it was the theological professors, whose revenues were subject to a variety of charges. The Scotch Universities had no funds of their own; they were open to all sects; and none had derived more benefit from them than the Roman Catholics of England and Ireland. These Universities had been endowed by the Crown out of its hereditary revenues, when it had full and unlimited power over those revenues; and it was a mistake to suppose that Parliament had the slightest control over the application of those funds until the alteration which was made in the Civil List on the accession of William IV. It would be a gross breach of faith were Parliament now to reduce or abrogate this grant. As to the salaries of the Judges, no reduction had ever been made.

Mr. CHISHOLM ANSTEY maintained that Parliament had a perfect right to deal with the grant in any way it deemed proper.

Mr. G. THOMPSON said, that theological instruction would be as easily attainable if this Vote was struck out as it was now. He should support the Motion in its amended form, as it did not interfere with the larger grant for secular education.

The Committee *divided:*—Ayes 16; Noes 86: Majority 70.

Original Question put.

Vote *agreed to;* as were the following three, namely—

(5.) 300*l.*, Royal Hibernian Academy.

(6.) 300*l.*, Royal Irish Academy.

(7.) 6,340*l.*, Royal Dublin Society.

(8.) Motion made, and Question proposed—

> "That a sum, not exceeding 3,000*l.*, be granted to Her Majesty, to pay the Salaries of the Theological Professors at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1853."

Mr. CHISHOLM ANSTEY said, that it was his painful duty to renew his objection to this Vote. He did not object to the latter part of the grant, which was 700*l.* for the allowances of the retired professors; but he did object to the former and larger portion of the grant. The salaries of four professors of divinity were provided for in this Vote. He found first professor of divinity, 250*l.*; second professor of divinity, 230*l.* Then, again, he found first professor of divinity non-subscribing association, 150*l.*; second professor of divinity ditto, 150*l.* He should like to know what these four professors taught, and what was meant by non-subscribing association? He objected to the grant, because it was for sectarian purposes, and would move that the vote be reduced by 2,300*l.*

Afterwards, Motion made, and Question put—

> "That a sum, not exceeding 700*l.*, be granted

to Her Majesty, to pay the Salaries of the Theological Professors at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1853."

Mr. G. A. HAMILTON said, the non-subscribing association were a body of Presbyterians in the north of Ireland, who were allowed to make their own arrangements.

The Committee *divided*:—Ayes 13; Noes 90: Majority 77.

Original Question put.

Vote *agreed to;* as were also—

(9.) 1,710*l.* Queen's University, Ireland.

(10.) 21,350*l.* British Museum Buildings.

(11.) 52,343*l.* British Museum Establishment.

Mr. STANFORD said, he wished for some further explanation with regard to the new arrangements of the classes of the attendants at the British Museum, by which persons merely carrying wands were placed on the same level as those of superior qualifications.

Mr. GOULBURN said, the history of the matter was this: in the year 1836, after some inquiry by a Committee of that House, the attendants were divided into three classes, and the generality of appointments were made in the lower classes, though the trustees occasionally made appointments in the upper classes. The objection of the hon. Gentleman was untenable, because, if a man of superior capacity was placed in the lower class, he would still rise to the higher classes. The only difference since 1836 was that the attendants, instead of being paid daily pay, now received salaries. Formerly, if any attendant was absent, no matter from what cause, the day's pay was deducted. That did not appear just to the Committee when they looked into the affairs of the Museum, and all the attendants were placed upon salaries, from which no deductions were made; therefore, a material benefit was conferred upon all persons employed in the Museum. On that occasion the trustees again made a rule for dividing the attendants into three several classes, accompanying it with a notice that it would not affect injuriously those who were previously in the service of the Museum.

Vote *agreed to;* as was also—

(12.) 2,966*l.* British Museum Purchases.

(13.) 2,495*l.* National Gallery.

Viscount MAHON said, he might, perhaps, be permitted to offer a suggestion with reference to this establishment. He was most anxious to see measures taken for the gradual formation of a gallery of national historical portraits. Some years since, during the Administration of the late Sir Robert Peel, he had ventured to make this suggestion, which appeared at that time to meet with very general approval. No one who had visited Versailles could have failed to admire, amidst a large collection of gorgeous modern paintings, one gallery in which were deposited original portraits of many of the most illustrious men whom France had produced. He thought they might easily provide for the gradual formation of a similar gallery in this country. It would only be necessary to vote a very moderate sum for such a purpose—say 1,500*l.* or 2,000*l.* a year; and to give power to certain commissioners to make purchases from time to time when original portraits of distinguished individuals were offered for sale. It would, of course, be understood that if no opportunities for such purchases occurred during the year, there would be no necessity for spending the money, but that it would be retained in hand until purchases could be made. He believed that original portraits of distinguished persons were occasionally to be obtained at a very moderate price; and if he should have the honour of a seat in the next Parliament, he would probably bring forward a specific Motion on this subject.

The CHANCELLOR of the EXCHEQUER considered that the suggestion of the noble Lord was a very valuable one. He thought, however, that the whole question of the establishment of public galleries of art in this country was one which must come, without much delay, under the consideration of Parliament. Fortunately the subject had engaged the attention of that illustrious Prince who had done so much towards elevating public taste for art in this country; and he (the Chancellor of the Exchequer) entertained the hope that, with the sympathy and assistance of the House of Commons, and with the sympathy of the country generally, they might ultimately be able to erect a building for the reception of works of art which would remove, what he might almost call, a stain upon the national taste. He hoped that at no distant period the suggestion of the noble Lord would receive that consideration to which it was entitled.

Vote *agreed to.*

(14.) 14,920*l.* Museum of Practical Geology and Geological Survey.

Mr. CHARTERIS said, he wished to referto a deputation which had waited upon the right hon. Gentleman the Chancellor of the Exchequer, to point out the importance of establishing a museum of economic and practical geology in Edinburgh. The right hon. Gentleman, in reply to the deputation, admitted the importance of the subject, and he wished now to ask whether the Government had taken any steps with reference to it.

The CHANCELLOR of the EXCHEQUER said, the representations of the deputation which waited upon him were most ably supported by the hon. Member; but the fact was, there were other claims of a similar character which had also been made on the Government, and considerable attention was required before the Government could arrive at any satisfactory decision. There were, however, many causes which induced them to hope that some steps would be taken for generally establishing scientific museums in the more important places in the United Kingdom. He could assure the hon. Gentleman, the subject was altogether one which had received, and would receive, the attention of the Government.

Mr. COGAN begged to call attention to the smallness of the sum (1,500*l.*) for the prosecution of the geological survey of Ireland, which was generally considered in Ireland, and he was sure by the Government also, as of great advantage to the agriculture of that country.

Mr. G. A. HAMILTON said, the Government quite agreed with the hon. Gentleman on the importance and value of that survey; but 1,500*l.* was considered sufficient for conducting its progress during the next year, according to the rate at which it had advanced in previous years.

Vote *agreed to;* as were the three following, namely :—

(15.) 4,018*l.*, Scientific Works and Experiments.

(16.) 5,000*l.*, Galleries of Art, Edinburgh.

(17.) 4,049*l.*, Civil Establishment, Bermudas.

(18.) Motion made, and Question put—

"That a sum, not exceeding 7,747*l.*, be granted to Her Majesty, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces, to the 31st day of March, 1853."

Mr. CHISHOLM ANSTEY said, that although it appeared that this grant had been reduced from 11,228*l.* in 1850 to 7,747*l.* for the present year, he could not understand why the Committee should be called upon to assent to such a vote. All the grants included in this vote, with the exception of two to Presbyterian ministers, were for the benefit of the Church of England in the colonies. Why should the Parliament of Great Britain be called on to vote money for a Church establishment in Canada, and not in Australia, when they had no control over Canada or its expenditure, the Canadian Legislature being almost as free and independent as the Parliament of Great Britain ? The first item was for the Bishop of Quebec, 1,990*l.* England did not pay for any other establishment in Canada. Then there was the Bishop of Newfoundland, 500*l.* They did not see the Roman Catholic Bishop of Newfoundland seeking any assistance. It was not pretended these sums were for the support of these officials, because they had already broad lands assigned for the purpose. He observed that, with the exception of 100*l.* to the Presbyterian minister of Argenteul, in Canada, and 75*l.* to the Presbyterian minister in Nova Scotia, all this amount was for the support of the Church of England, and he should certainly divide the Committee against the grant.

Mr. W. WILLIAMS said, he should not vote with the hon. and learned Member, because all sects had had their fair share of assistance, and an understanding was some time ago come to, that as these persons died off, the sums paid to them would not be renewed to their successors. That accounted for nothing appearing under the head of the Roman Catholic Bishop of Newfoundland. If the hon. and learned Member for Youghal went back only a year or two, he would find the Roman Catholic Bishop of Montreal in the receipt of a very large amount.

Mr. CHISHOLM ANSTEY said, his objection did not rest upon the grant being applied exclusively to one body of men. He objected to any such grants, and he should have just as much satisfaction in cutting off any grant to the Roman Catholics as to any other persuasion.

Sir JOHN PAKINGTON said, the hon Member for Lambeth had approached in a very fair spirit, and, unlike the hon. and learned Member (Mr. C. Anstey), had shown that he understood what he was speaking about. If the hon. and learned

Member examined into the real state of the matter, he would find that in 1850 this vote amounted to upwards of 11,000*l.*, and that in 1835 it was about 15,000*l.* The amount now proposed was 7,747*l.* The fact was, as had been stated by the hon. Member for Lambeth, that this was an expiring grant, now voted annually under an arrangement made twenty years ago. It was first made under a state of things very different from that which now existed; and as to the distinction which the hon. and learned Gentleman supposed to be drawn between members of the Church of England and Roman Catholics, he must observe, that not long ago there was an item of 1,000*l.* a year to the Roman Catholic Bishop of Quebec.

Mr. P. HOWARD said, he should support this grant upon the plain and simple ground that what was contributed by all should be shared by all. He would not take advantage of this grant to follow the example of hon. Gentlemen opposite, who had attacked the College of Maynooth, and to raise a theological discussion. He might remind those hon. Gentlemen that on the other side the Channel Protestant ministers were supported by the Government, and were better paid than the Roman Catholic cures, although the majority of the people were Catholics.

Mr. NEWDEGATE willingly admitted that many of the Roman Catholic laity were actuated by the charitable spirit evinced by the hon. Member (Mr. P. Howard), but he did not think the hierarchy of the Roman Catholic Church were influenced by a similar spirit.

Mr. ALEXANDER HASTIE said, that seeing the amount was gradually diminishing, and that Parliament was pledged to maintain the grants to the present incumbents, he intended to support the Vote.

The Committee *divided* :—Ayes 112; Noes 10: Majority 102.

Vote *agreed to.*

(19.) 12,424*l.*, Indian Department, Canada.

Mr. FORSTER said, he wished to know what had been done towards colonising Vancouver's Island, which had been ceded to the Hudson's Bay Company. That Company was a trading and not a colonising Company, and he feared the island had been greatly prejudiced by being placed in their hands.

Sir JOHN PAKINGTON said, he must beg to be excused himself from entering into the policy of placing Vancouver's Island in the hands of the Hudson's Bay Company; that question had been fully debated at the time, and it was an arrangement to which the present Government were not a party. The question of the hon. Gentleman was, he understood, what had been done, in pursuance of the Charter so given, in the way of colonisation of Vancouver's Island. Not long ago, in answer to another hon. Member, he had stated partially what had been done, and he would now state it more distinctly. The Hudson's Bay Company had sold, with a view to colonisation, lands to the extent of 1,200 acres; the price was 1*l.* an acre, and the number of families that had settled there was nine; in addition, they had sent out a considerable number, about 100, of agricultural labourers and miners. That was the substance of the return which the Hudson's Bay Company were required by the Charter to make every three years to the Colonial Office, and which was the only return received, as a second period of three years had not yet elapsed; but in a communication with the Colonial Office last January, the Company explained that they had been unable to do more, owing to the complete derangement of everything on that coast of America, in consequence of the gold discoveries in California.

Vote *agreed to;* as was also—

(20.) 19,528*l.*, Governors and Lieutenant Governors, West Indies, Prince Edward's Island.

(21.) 33,862*l.*, Stipendiary Justices in West Indies, Mauritius.

Mr. W. WILLIAMS said, whenever complaint was made of the amount of this item, the answer always was that no new appointments were made, and as the old Justices died off the vacancies were no filled up; but he could not discover that the lightest diminution had taken place. Had he not seen the result of two or three divisions to-day, he would divide the Committee upon this item.

Sir JOHN PAKINGTON said, he could only repeat the answer which the hon. Member said was always given, because it was the only answer of which the case admitted. The sum was reduced 2,000*l.* or 3,000*l.* as compared with last year, and no new appointments were made.

Mr. W. WILLIAMS said, his principal complaint was that the sum was not charged to the Colonies. The Justices might be quite necessary, but the Colonies ought to pay for them.

Vote *agreed to.*

(22.) Motion made, and Question proposed—

"That a sum not exceeding 13,780*l.*, be granted to Her Majesty, to defray the Charge of the Civil Establishments on the Western Coast of Africa, to the 31st day of March, 1853."

MR. CHISHOLM ANSTEY said, perhaps the hon. Baronet would supply the reason why we paid 400*l.* for a chaplain in the unimportant colony of Gambia, and nothing to Sierra Leone? He should move that the vote be reduced by 400*l.*

Afterwards, Motion made, and Question put—

"That a sum not exceeding 13,380*l.*, be granted to Her Majesty, to defray the Charge of the Civil Establishments on the Western Coast of Africa, to the 31st day of March, 1853."

SIR JOHN PAKINGTON said, he must express his regret that the hon. and learned Gentleman should consider all grants for the support of ministers of the Church of England subjects for complaint. There was a chaplain at Sierra Leone as well as at Gambia. The only difference was that from the smallness of the latter colony assistance was necessary, whilst the charge in the former was borne by the revenues of the Colony.

MR. CHISHOLM ANSTEY said, the hon. Baronet did him great injustice in accusing him of selecting grants to the Church of England for opposition. He opposed grants of every kind. He had voted against grants to Presbyterians and Episcopalians, and he should vote against grants to Roman Catholics. He considered the hon. Baronet's statement quite beside the question, and he should certainly divide the Committee.

The Committee *divided:* — Ayes 6; Noes 94: Majority 88.

Original Question put.

Vote *agreed to;* as was also—

(23.) 10,802*l.*, Island of St. Helena.

(24.) Motion made, and Question proposed—

"That a sum, not exceeding 7,059*l.*, be granted to Her Majesty, towards defraying the Charge of Western Australia, to the 31st day of March, 1853."

Afterwards, Motion made, and Question put—

"That a sum, not exceeding 6,759*l.*, be granted to Her Majesty, towards defraying the Charges of Western Australia, to the 31st day of March, 1853."

The Committee *divided:* — Ayes 9; Noes 114: Majority 105.

Original Question put.

Vote *agreed to;* as was also—

(25.) 491*l.*, Port Essington.

On the Vote of 10,000*l.* in aid of the charges of New Zealand,

MR. CHISHOLM ANSTEY said, that it was stated that this Estimate was less by 10,000*l.* than last year, and the Governor of New Zealand represented that it would be diminished to 5,000*l.* next year, after which it was hoped no further aid would be wanted. He would further that benevolent wish of the Governor by moving that it be reduced by 1,190*l.* That was more than a tithe of the 10,000*l.*, and he supposed it was given as a tithe to the bishop, 600*l.* to himself and 590*l.* to the chaplain and schools which were under his management.

The CHANCELLOR OF THE EXCHEQUER said, as the hon. and learned Member would insist on a division, he (the Chancellor of the Exchequer) would now move that the Chairman do report progress, and ask leave to sit again.

MR. HEYWORTH said, he had voted against all grants for religious purposes in the Colonies; he felt justified in doing so; and he should vote with the hon. and learned Member (Mr. C. Anstey) because he did not see any reason whatever why the people of this country should pay for religious instruction in the Colonies. If the Colonists wanted spiritual food, they ought to supply themselves.

MR. CHISHOLM ANSTEY said, before the question was put, he wished to draw the attention of the Government to a very material omission in the Estimates, by which a great number of very objectionable items did not appear there at all. A paper which he had moved for early in the Session, and obtained with some difficulty, threw some light upon the subject; for it appeared from that return that the following allowances were made annually (he believed) out of the funds in their passage to the Treasury, without any warrant from Parliament for their being so withdrawn from supervision and control:—Her Majesty's Commissioners to the General Assembly, 2,000*l.*; for defraying the charges of the Church of Scotland and the salaries of its officers, 1,100*l.*; itinerant preachers and catechists in connexion with the Church of Scotland, 2,000*l.* These sums were apparently defrayed from various sources, as the Woods and Forests, the Customs, Inland Revenue, &c. With regard to the Customs and Inland Revenues, he admitted the charges were not in themselves objectionable, but he contended they ought not to be made in this manner; they ought to be made on the authority of the Treasury, and an account rendered to Parliament. Having given notice of the matter, he hoped he should elicit from Ministers an explanation of the practice, which certainly did not commence with them, and probably they did not intend it to continue.

The CHANCELLOR OF THE EXCHEQUER said, these sums, if they did not appear in the Estimates, appeared in the Finance accounts, which was the answer he was prepared to give when the hon. Member for Lambeth brought forward the Motion of which he had given notice.

MR. WILLIAMS said, the Motion of which he had given notice was to call the attention of the House to the fact that 7,000,000*l.* of taxation were intercepted in their way to the Exchequer. He had given way at the request of the Government, and the right hon. Gentleman the Chancellor of the Exchequer had promised to give him an opportunity to bring forward the subject. Had the right hon. Gentleman any objection to his doing so on Thursday next?

The CHANCELLOR OF THE EXCHEQUER said, he should always appreciate the kindness of the hon. Member in withdrawing the Motion at his (the Chancellor of the Exchequer's) particular request. There was great difficulty in making any arrangements; but it was his intention to give the hon. Member a fair opportunity of bringing forward the question, and he would see if it could be managed on Thursday.

House resumed.

Chairman reported progress.

NEW ZEALAND GOVERNMENT BILL.

Order for Committee read.

SIR JOHN PAKINGTON having presented several petitions from persons connected with New Zealand, said, those petitions were all of them to the same effect, expressing strongly the desire that this Bill should be allowed to pass. The petitioners called attention, some of them to one part, some of them to another part of the Bill, but the general conclusion of the whole was that the Bill should pass. The last of those petitions was from Mr. Gibbon Wakefield, the prayer of which was particularly directed to the question whether there should be provincial Legislatures, or whether there should be a Central Legislature and Legislatures for particular localities. With his usual ability, Mr. Wakefield discussed the subject, and earnestly prayed that the Bill as it stood might pass into a law. Before moving that Mr. Speaker do leave the Chair, on the House going into Committee on this Bill, he (Sir J. Pakington) was disposed to hope that he would save time, which he held extremely valuable in this case, and at this particular period, if he entered into some short explanation of the changes which it was his intention to propose in this Bill. Since the second reading of the Bill he had received suggestions from several quarters, but principally from some hon. Members of that House, of the highest eminence and distinction, Gentlemen with whom he had no political connexion, and whose courtesy and kindness of feeling in offering these suggestions, and the manner in which they had done so, he would really be wanting in justice to his own feelings, as well as to the manner in which, as he had said, those suggestions had been tendered, if he did not take that opportunity of acknowledging. From those Gentlemen he had received suggestions entitled to the greatest weight, not only as coming from them, but entitled to the greatest weight from their intrinsic value, offered in a spirit entirely apart from party feeling, and intended to facilitate the passing of this Bill in such a shape as should be most effectual for its objects. He had stated before that his whole object in this Bill was to give the inhabitants of New Zealand the best and most acceptable Government for themselves, consistently with those imperial considerations which he felt bound to keep in view. The suggestions to which he had alluded related principally to two points. He would, with the permission of the House, direct its attention to them, with reference especially to the very difficult question, as he had always thought it, of what was the best mode of providing Governments for the different provincial districts of those Colonies. He had to choose out of three alternatives, namely, the Bill as he had ventured to submit it to the House; next, a suggestion, coming from a quarter to which he was bound to pay the greatest respect, that, instead of taking the Bill as it stood, and giving Provincial Legislatures, he should rather follow the precedent of the Australian Government Act of 1842, and give distinct municipalities, that was to say, municipal bodies with enabling Clauses to legislate on certain subjects, and that they should be restricted from legislating on all subjects beyond those specified. The third suggestion he had received from the hon. Member for Southwark (Sir W. Molesworth) was, that, instead of putting into the Bill either Provincial Legislatures or provincial municipalities, it should be left to the Central Legislature, when formed, to provide for the municipal government of these separate districts in such manner as they might think best. Those were the three alternatives he had to consider. He thought the House would see that between the Bill as it stood, and the second of those alternatives—the precedent of 1842, the distinction was really rather one of name than of fact. As he had drawn the Bill, and announced when he first moved it, his intention was that those Provincial Legislatures should, in fact, be municipal. As he had drawn the Bill, those local bodies were to legislate on all matters of interest to the locality, being restricted from legislating on certain specified subjects, those specified subjects embracing the main objects of what he might call a Colonial or Imperial Legislature. It was a question whether they should legislate on all except certain important restricted subjects, or should legislate on certain specified subjects, those being very large and comprehensive. After the fullest consideration, he had come to the conclusion that, looking to the nature of the restrictions, those bodies could hardly be regarded as Colonial Legislatures; and while the restrictions being negative on subjects which they cannot touch, it enables them to embrace various objects which might be necessary for their welfare that a Legislature should touch, and which would not come within the specific objects prescribed. He had, on that ground, ventured to prefer the course he now took. To the other course, which the hon. Baronet opposite (Sir W. Molesworth) was going to propose, namely, that the House having nothing to do in this Bill with provincial legislation, but that the Central Legislature should settle what they were to have, there were, he thought, obvious objections. First, there was a loss of time. In the next place, looking to all precedent and experience, the House would find that Colonial Legislatures had not shown themselves disposed to part with powers once intrusted to them in favour of anything like minor districts. He rather thought he might adduce Australia as an instance; but the case had been so strongly put by Mr. Gibbon Wakefield, that he hoped the House would permit him to refer to an extract, in which Mr. Wakefield said that this was a case "where prevention was more easy than cure, because if once a Provincial Government were established, those who composed it were little disposed to diminish their authority." He (Sir J. Pakington) should not trouble the House with more extracts. Mr. Wakefield dwelt at considerable length on the subject, and that was the view taken by him. If the House, as it appeared to be, were disposed to give the different localities powers of independent government for their own interests, it would be better to lay down in this Bill broadly and distinctly the basis on which those governments were all to be formed, than to leave those localities to the uncertain result of the view which the Central Legislature might take of the matter when they came to deliberate on the powers they might think it necessary to intrust to the local Legislatures. He would now briefly advert to a fourth plan recommended by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), who, if he rightly followed the right hon. Gentleman in a former debate on this subject, expressed great objection to the course he (Sir J. Pakington) had taken of establishing a supreme Legislature in the Colony. Knowing the weight of the right hon. Gentleman's authority, he should say, with great respect, that he could not agree with him in his view. With reference to the local Legislatures, the right hon. Gentleman wished that they should have no concurrent power, that their powers should be defined, that they should act, so far as those powers extended, in a perfectly independent manner, and that the Central Legislature should act on equally broad and defined independent powers. If that plan were adopted, it would certainly lead to very great confusion. Instead of simplifying the legislation of the Colony, it would practically be found extremely difficult to define the boundary between the powers of the Provincial and the Central Legislatures. He believed the adoption of the right hon. Gentleman's suggestion would lead to the very difficulty he was anxious to avoid, and therefore he could not yield to the right hon. Gentleman's objection with regard to the concurrent power. It was not so much a concurring as an overriding power which would be vested in the Central Legislature; and he could not but think that for the future welfare of those Colonies there should be one supreme Legislature, whose power shall be superior to those minor bodies, who ought to deal only with the interests of their own localities, subject to the paramount authority of the Central Legislature. Having had those suggestions thrown out, to which, from the manner in which they were given, and the quarter from which they were offered, he repeated that he felt bound to give every attention, and having unusual opportunities of consulting those connected with the colony, having opportunities of consulting parties directly connected with Nelson, Wellington, Otago, and Canterbury, namely, four out of six localities—he thought, with this choice before him, his best course was to avail himself of the period intervening between the time when these suggestions were offered and the present moment to take the opinion of those gentlemen possessing great local knowledge, and taking a deep interest in the welfare of the Colony. He had consulted, then, with those interested in the Colony both in London and in the country, and he was now enabled to state that which was proved by the petitions he had presented. He was bound to say that those who were interested in the Colony unanimously desired that he should proceed with the Bill as it stood, rather than that he should take either of the two alternatives of granting only municipalities, or of empowering only a Central Legislature to prescribe what those Governments should be. Anxious to meet the suggestions which have been offered with so much weight from different quarters in that House, he submitted to the gentlemen so interested in the Colony whether, if he retained the Bill essentially as it was, but made certain important alterations, they would be willing to accept those alterations? The answer he received was, that they not only approved of the alterations, but they most thankfully and gratefully accepted them. Under these feelings, then, he had determined upon a very important alteration with respect to those Local Legislatures. The alteration was, that, instead of the superintendents being nominated by the Governor of the Colony, as proposed in the Bill, they should be elected by the same constituencies as elected the Legislatures. He had not made this alteration without very serious consideration. He had had to consider how far it was consistent with the British Constitution that he should venture to enact an elective Executive. The noble Lord whom he had succeeded in the office he now held, with reference to this very Bill, laid down broadly—and he (Sir J. Pakington) begged to say he agreed with the noble Lord—that anything like an elective Executive was unknown to the British Constitution. Agreeing in that proposition, he (Sir J. Pakington) would be no party to any measure making an Executive elective. But he looked upon these different districts in New Zealand not as separate Colonies, but as so many municipalities of one Colony. In whatever ratio they were distinct Colonies, in that ratio he should be opposed to the creation of an elective Executive; but in whatever ratio they were municipalities, then in that ratio the proposition came within the spirit and the practice of the British Constitution in making the heads of those municipalities elective. Looking at the wording of the Bill—knowing what were his own intentions in introducing it—believing, moreover, that these districts partook so largely of the nature of municipalities—and being conscious that he intended they should have that character, he thought he was not open to the charge of departing from the spirit of the British Constitution in proposing that these superintendents should not be nominated, but elective, and that by the same constituencies who were to elect the Provincial Councils. Following up that principle, it was also his intention to strike out of the Civil List the provision of salaries of 500*l.* for each of these superintendents, leaving it entirely to the option and discretion of each Provincial Legislature whether they would or not vote a salary for these officers. This was one important alteration with regard to the government of these localities which it was his intention to make. The next clause in the Bill to which he would refer, was one on which there had already been more discussion than he had expected, and he hoped what he was about to say would not lead to any further discussion on the subject: he alluded to the clause relating to the rights of the New Zealand Company. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and the right hon. Baronet (Sir J. Graham), had adverted to that clause. He (Sir J. Pakington) had endeavoured to take a ground upon this subject to which he thought the House could not fairly make any fair exception. At least he had acted upon the spirit of strict justice, and had taken a ground from which he must be allowed to say he could not depart—a ground beyond which he did not think it his duty to go, but less than which he was not justified in taking, namely, that whatever might be the equitable claim of the Company under the Act of 1847, he was bound to see secured to them by this Bill. The Bill, as was well known, was not intended, originally, to apply to the New Zealand Company; it was intended to confer the blessing and advantage of self-government on New Zealand; but still he thought it a paramount duty on his part to take care that the effect of the Bill should not be to leave the New Zealand Company in a worse condition than that in which he found it. The only question, then, was how best to carry out that principle. He thought the House would go with him one step further; and that they would admit, looking at the Act of 1847, that he had no right to consider whether the bargain between the New Zealand Company was a good or a bad bargain. It was a bygone transaction. An Act of Parliament had settled it. That Act was confirmed and explained by the correspondence which had passed between Earl Grey and the Company. A question had been raised whether Earl Grey was justified in taking upon himself to put the construction he had done on the Act of 1847. With that he (Sir J. Pakington) had nothing to do; he felt himself bound by the contract as it stood. The only difference between the Act of 1847 and the present Bill was this: The Act of 1847 prescribed that the produce of every townland sold in New Zealand should be divided into three portions; and that one portion should be devoted to emigration, another portion to surveys; and the balance, whatever it might be, should go to the New Zealand Company. The fault of the Act was, that while the produce of the sales was so divided, it said nothing about the proportions, and there arose a practical difficulty. By analogy, however, with what had occurred in Australia, it had been held and argued that half of the money should be devoted to emigration. The Act, however, did not so state; and Earl Grey thought that one-fourth would be a fair proportion to be given to the New Zealand Company. Now, assuming the price at 1*l.*, and 10*s.* thereof to be the proportion for emigration, there would then remain the surveys to be defrayed, and then the balance for the Company. It was a matter of some doubt whether the surveys would require more than 5*s.* in the pound, or not.

If it did, then it was questionable whether the balance would meet the equitable rights of the Company. He would not, however, enter into the question whether Earl Grey was justified or not in taking upon himself to construe the Act of Parliament as he had done; but this he thought, that the noble Lord had taken a very convenient course, and a very just and very moderate course; and, looking at the whole transaction, and at the construction which Earl Grey had put upon the Act of 1847, he would ask the House, and he did so with some degree of confidence, whether he was doing more than justice in proposing to give to the New Zealand Company one-fourth of the produce of the sales of land in that Colony. In the interviews which he had had with persons connected with that Company, they had said there were many districts in which the land would sell for more than 1*l.* an acre, and they asked why the sum of 5*s.* only should be paid to the Company. But, on the other hand, it was shown that in some districts the land would sell for less than a pound; therefore it was asked why give the company so much as 5*s.*? His answer to these objections was that they should set one case against the other. But his own feeling was, that the best and fairest plan would be to abandon the clause which gave 5*s.* in the pound to the New Zealand Company, and to enact that the Company should receive one-fourth in every case. He had now explained what his wish and object was, namely, to do the Company justice—not more. Considering that the subject was incidentally introduced into the Bill, he hoped the House would not allow it to be made a matter of protracted discussion; but that the clause would be allowed to pass either in one or the other shape—the Company, on their part, he believed, being quite disposed in either case to be satisfied. There was only one other point to which he wished to advert. Strong feelings of approbation had been expressed by petitions and otherwise of that part of the Bill which placed the lands of the Colony at the disposal of the Legislature. Upon that subject, perhaps he might be allowed to add one word more. In these days it was impossible to say in what Colony in that part of the world those extraordinary discoveries of gold might not take place. He knew that in New Zealand expectations were strong among the populace that gold might be discovered; he therefore wished to say, in addition to the placing of the land of New Zealand at the disposal of the Colonial Legislature, that in the event of any gold mineral discovery in that Colony he should be prepared to advise the Crown to place the whole of the proceeds of the discovery at the disposal of the local Legislature. He hoped he should not be considered as travelling unduly beyond the object of which he was now addressing the House if he stated that by the mail which left this country yesterday he had announced to the Australian Government, on the part of Her Majesty's Government, that it was the intention of this Government to place unrestrictedly at their disposal all the revenues which might be derived from any gold discovery in those Colonies. He had now concluded the observations which he had to make as to the alterations he intended to propose in Committee. He had done so for the sake of saving time, and in the hope that, in Committee, he should experience a continuance of that forbearance from all sides of the House which was so desirable when deliberating on a measure intended to promote the welfare of an important and rising Colony; and that they would now merge all differences of a minor nature in order to go into that Committee as speedily as possible.

MR. AGLIONBY begged to express his thanks to the right hon. Gentleman for the attention which he had paid to this subject, and for the liberality of his views and intentions in conferring a good constitution on New Zealand. He considered that many of the Amendments alluded to by the right hon. Gentlemen, were decided improvements in the Bill, and he trusted they would be accepted by the House. There was one point, however, to which he wished to call the attention of the House, and that was the claims and position of the New Zealand Company, to which the right hon. Gentleman had adverted. He (Mr. Aglionby) was willing to pay a tribute to the ability and industry which the right hon. Gentleman had devoted to this entire subject, and he believed that it was his sincere wish to do justice to the New Zealand Company; and they asked nothing more. He sympathised in the remark of the right hon. Gentleman that it would be wrong to place the New Zealand Company in a better position than it occupied in the year 1847; but at the same time he (Mr. Aglionby) must say that it would be monstrous to place it in a worse position. He wished that the right hon. Gentleman would take some advice as to what were the legal and equitable rights of the Company, and thus endeavour to determine out of that House whether any of the clauses of the Bill failed in doing justice to the Company. He (Mr. Aglionby) thought he owed it to himself and to the New Zealand Company to allude to some remarks which had been made respecting that body, which nothing but an unfortunate illness had prevented him from noticing at the time of the second reading of the Bill, when they were brought forward. The hon. Baronet the Member for Southwark (Sir W. Molesworth) had been particularly severe against the New Zealand Company, and, though admitting that it had received opposition from quarters where it ought to have found support, he had yet said that its principal failure had been owing to great mismanagement. [Sir W. MOLESWORTH: No doubt of it.] He (Mr. Aglionby) begged to deny that statement *in toto*, and he was perfectly ready to meet any proof that might be advanced in support of it. He could not help feeling some surprise that the hon. Baronet should have been the one to make such a charge, considering the position in which he stood as one of the earliest members of that undertaking. The name of the hon. Baronet had had considerable influence with the public; he had been elected a director of the Company in the year 1839; and he had continued an active member of the direction until 1843, when the Company was first involved in great difficulties. So far from there being any mismanagement of the affairs of the New Zealand Company, he (Mr. Aglionby) believed that the opposition of certain persons in authority had produced the distress into which it had fallen; but as the hon. Baronet had been a director of the Company for so long a time, he might at least have been silent on the subject of mismanagement. From the year 1843, when the hon. Baronet had left the Company to struggle with its difficulties, down to the year 1847, when Parliament interfered at the suggestion of the then Colonial Minister, he (Mr. Aglionby) was not aware of any mismanagement beyond that which was forced upon the Company by circumstances, and over which they had no control. The late lamented Mr. Somes, the Member for Dartmouth, continued at the head of the affairs of the Company till his death; and many others of the distinguished gentlemen who had taken an active part in the direction still adhered to it. In 1847 Parliament introduced some alterations, but he was not aware that between the two periods he had named, there had been any mismanagement. In proof of that he would refer to a letter of Earl Grey, dated July, 1850, three years afterwards, in which his Lordship stated that he had an unchanged sense of the importance of the colonising efforts of the Company, and the great value of their results, and that nothing had occurred in any degree to affect the satisfaction he felt at the progress they had made. He (Mr. Aglionby) should be very willing to proceed with the Bill at present before the House; but, connected as he was with the New Zealand Company, and having a common interest with the shareholders, he must be excused for feeling somewhat strongly on the subject of those unjust and unfounded allegations. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had also made some remarks respecting the New Zealand Company. He had said, indeed, that he excepted that Company from other colonising companies, which he viewed with considerable horror, but from the collocation of his speech he had unfortunately mixed them all up together. The right hon. Gentleman objected to colonising companies in the mass, and said that they were irresponsible bodies, and that their affairs were always conducted with secrecy. But this was not the case with the New Zealand Company at least, the whole of whose affairs had been made fully known to the public. With respect to the statement of the hon. Member for North Staffordshire (Mr. Adderley), that the Colonists would be willing to pay the debt of the Company, he (Mr. Aglionby) would only remark that he should rather have for his creditor the Government at home, to which an appeal could be made, than a Colonial Legislature at the distance of many thousands of miles away, over which there could be no control. He would merely echo the remark of the right hon. Baronet the Member for Ripon (Sir J. Graham), and say, Let the New Zealand Company have justice and no more, and let it not be placed in a worse position than it occupied in 1847. He hoped to convince the right hon. Baronet opposite (Sir J. Pakington), that some of the clauses of this Bill would operate unfairly to the Company, and that the right hon. Gentleman would consent to the alterations which he should propose in Committee.

Mr. Aglionby

Sir JOHN PAKINGTON wished to say he had made no remark that could be regarded as an attack on the hon. Member, or on the New Zealand Company. He earnestly implored the House to reserve the discussion until they were in Committee.

Sir WILLIAM MOLESWORTH said, that in reference to the attack of which the hon. Member for Cockermouth (Mr. Aglionby) had spoken, he had no remark to make as to the way in which the New Zealand Company had managed their affairs; but what he was prepared to prove was this proposition, that the Company had obtained their Act of 1847 by misrepresentation and by the concealment of the truth; and, if the House liked, he would proceed with his proofs now. [*Cries of* "No, no!"]

Mr. MANGLES said, that whenever the hon. Member brought forward his charges, he and the representatives of the New Zealand Company were fully prepared to meet them.

House in Committee.

Clause 1, repealing the 3rd & 4th and 11th & 12th of Victoria, *agreed to.*

Clause 2.

Sir WILLIAM MOLESWORTH said, he rose, in pursuance of notice, to move the omission of the 2nd Clause, and all subsequent ones before the 32nd Clause, and, in their stead, to insert—

> "It shall be lawful for the General Assembly, by Act or Acts, to incorporate the inhabitants of any district within the said colony, and to establish in such district a council for the local government thereof; such council shall have power to make orders and by-laws for providing for any matters which shall be specially subjected to the direction and control of the said council by any law of the said General Assembly."

He was quite willing to allow that the discussion on the second reading of the Bill had had two useful results: first, it showed that hon. Members were generally anxious that, if possible, New Zealand should obtain a Constitution during this Session of Parliament; and, therefore, he hoped that the minority would not offer any factious opposition to the further progress of the measure; and, secondly, it showed what were the chief differences of opinion with regard to the future form of that Constitution. The first great difference of opinion was whether New Zealand should form one political unit, or should be divided into several political units. His right hon. Friend the Member for the University of Oxford (Mr. Gladstone) was of opinion that New Zealand should be divided into six political units, that each of those units or provinces should have powers of exclusive legislation on all subjects except a certain number of enumerated subjects; that these independent provinces should be federated after the fashion of the States of the American Union, by means of a General Assembly, which should only have powers of legislation on the subjects on which the Provincial Legislatures were to be forbidden to legislate. This plan was clear, distinct, unobjectionable in theory, and worked well in the American Union. And if New Zealand, instead of being of the size of Great Britain, had the magnitude of the United States, or of the continent of Australia; if, instead of being divisible into six provinces, with a population of from 1,500 to 8,000 each, it were divisible into a score of States with a population of from 100,000 to 1,000,000 each; and, finally, if, instead of continuing to be a dependency of Great Britain, it were about immediately to become independent, then he admitted that the plan of his right hon. Friend was the one which experience had shown to be best adapted for the government of a system of States covering an extent of territory too vast to form one complete political unit. He objected to this plan for New Zealand, because he thought that New Zealand was formed by nature to make one political unit. For, though its settlements were separated by mountains, they were closely connected by sea; all its best parts were close to the sea. Therefore, with steam vessels communication between various parts of New Zealand would be more easy at present, than communication between various parts of England was in the time of the last generation. He objected also, because New Zealand was so distant from any other country that it would have no natural enemies, unless we divided it into independent rival and ultimately hostile communities. He objected also, because six or more independent codes of laws would be a great inconvenience in the limited area of New Zealand, which did not exceed that of Great Britain; for in this country considerable inconvenience at present resulted from the difference between the laws of England and of Scotland. England would not have been as great as it was at present if the Heptarchy had continued in existence. He doubted the expediency of establishing a Hexarchy in New Zealand. From the debate on the second reading of the Bill, he was entitled to infer that the majority of the House were of opinion that New Zealand should form one political unit. That seemed to him to have been the opinion of the right hon. Baronet the Secretary of State for the Colonies, of his right hon. Friend the Member for Northampton (Mr. V. Smith), of his hon. Friend the Member for Malton (Mr. J. E. Denison), of the hon. Gentleman the Member for Leominster (Mr. F. Peel), and also of Earl Grey, the two latter of whom thought that the General Assembly would ultimately eat up the Provincial Legislatures, and reduce them to municipalities. He might, therefore, assume that the Committee would be of opinion that New Zealand should form one political unit or Colony; and, at the same time, he must infer from the debate on the second reading, that the Committee would be also of opinion that New Zealand should be divided into districts or provinces, and that each district or province should have some amount of subordinate local self-government. If this were admitted, then came the question which he proposed to raise, namely, by whom ought New Zealand to be divided into districts or provinces; by whom ought the constitution of the subordinate local governments to be determined? Ought these things to be done by the Imperial Parliament of Great Britain, or by the General Assembly of New Zealand? He proposed that they should be done by the General Assembly—first, because, as the local governments were to be strictly subordinate to the General Assembly, they would have a more subordinate character if they were created by the General Assembly than by the Imperial Parliament; secondly, and chiefly, because the constitution of these subordinate governments was a matter of very little consequence to the Empire at large, but of very great consequence to New Zealand; and therefore, it was probable that the settlers of New Zealand would know better than we did what form of subordinate government would suit them best. It appeared to him that, in a matter of such purely local concern as the division of New Zealand into districts or provinces, and the establishment of subordinate local governments, the wishes of the settlers in New Zealand should be consulted. It would be impossible at that moment to enter into a statement of this whole question; but he might say, with regard to the case of New South Wales, to which reference had been made in the course of the debate, that no argument against his proposition could be drawn from the conduct of that Colony, because it had only opposed the establishment of Provincial Councils so long as the Colonists were under restrictions; but they subsequently, by their own free will and wish, established Provincial Councils. It appeared to him to be a fundamental principle of sound colonial policy that in matters of pure colonial interest we should meddle as little as possible, and should leave to the Colonists themselves to settle what they would wish to have. If the Colonists wanted these Provincial Councils, they would create them; and if they did not want them, they ought to be allowed to do without them. Now, he believed, there was a difference of opinion in the Committee as to what were the wishes of the settlers in New Zealand with regard to this subject. On the second reading he had assigned his reasons for thinking that the majority of the settlers in New Zealand were opposed to Provincial Councils of the description contained in this Bill, and would prefer simple municipalities. He had also quoted memorials to that effect from Wellington and Nelson; also the opinion of the Lieutenant Governor of New Munster on behalf of the settlers of Canterbury and Otago. But his hon. Friend the Member for North Staffordshire (Mr. Adderley) flatly contradicted his statements, and asserted that the term "municipal," as used in these documents must be taken in a non-natural signification; and on behalf of the Canterbury Association in London, he declared that the majority of the settlers in New Zealand were in favour of Provincial Councils somewhat after the fashion of this Bill. Now, he had every respect for the gentlemen of the Canterbury Association; but it was the characteristic of all associations, especially of earnest and sincere men, to believe that the interests of their association were the interests of the human race, and that the wishes of their association were the wishes of mankind. These were the consequences of well-known laws of the human mind. Therefore he warned the Committee not to attach all the weight to the authority of the members of the Canterbury Association which would be due to them as individuals; for Canterbury had been intentionally made a class settlement. Its founders wished it to continue a class settlement, distinct from the other settlements of New Zealand. Therefore they believed that the Government of New Zealand should be a Hexarchy, and that such were the wishes of the settlers of New Zealand. Now, as he was perfectly open to conviction on this subject, he hoped his hon. Friend was equally so. He (Sir W. Molesworth) was ready to abide by the decision of the settlers of New Zealand. Would his hon. Friend abide by that decision? or did he wish, for the sake of carrying out the views of the Canterbury Association, to force upon the settlers of New Zealand these Provincial Councils, whether they were wished for by the Colonists or not? And if his hon. Friend wished to force these Provincial Councils on New Zealand for the sake of the Canterbury Association, he must beg the Committee to remember that the Canterbury Association had only about 3,000 settlers. It had only about one-ninth of the European population of New Zealand; and there were three other settlements in New Zealand larger than Canterbury, though Canterbury had more influence in this country than all the other settlements in New Zealand put together. But if his hon. Friend denied that he wished to force these Provincial Councils upon New Zealand, contrary to the wishes of the settlers, if he asserted that he wished to establish these Provincial Councils because the settlers of New Zealand desired to have them, then he must, under the penalty of contradicting himself, vote for his (Sir W. Molesworth's) Amendment, because, if it were carried, the representatives of New Zealand would have the power of establishing the Provincial Councils contained in this Bill. They might enact every one of the clauses which he proposed to omit from this Bill. They might divide New Zealand into six provinces, establish in each province a superintendent and Provincial Council, vest in the Governor the appointment of the superintendents, pay to each of them a salary of 500*l.* a year, direct that each of them should have a veto, should obey instructions from the Governor, and should reserve Bills for the assent of the Governor. They might also vest in the Governor a final veto, to be exercised within two years; and, if the settlers of New Zealand wished these things to be done, the General Assembly would do them, and establish the Bill of the right hon. Baronet the Colonial Secretary in all its integrity. But he did not believe that the settlers wished these things to be done, but would prefer municipal institutions of the simplest kind, which they might obtain under his Amendments. It followed, therefore, that by his Amendments the settlers in New Zealand would obtain that kind of subordinate local government, which they might like best, while by this Bill Provincial Councils would be forced upon them whether they liked them or not. He might observe that the powers which he proposed to give to the General Assembly of New Zealand, were analogous to those which the Legislature of the Australian Colonies possessed by the Act of 1850. He would not further trespass on the patience of the Committee, but would divide on the question.

Mr. ADDERLEY was understood to observe that there were quite as many precedents for the permanence of local governments gradually united under one head, as of one Government originally so established remaining united. The hon. Baronet the Member for Southwark might have recalled the instance of this country, which was once a Heptarchy, and afterwards became a United Kingdom; the Provinces of France now a Kingdom; or that of the United States of America, which subsist under a Federal Government. There were, in fact, many such precedents of Provincial Governments ultimately concentrating under one head. The proposition of the hon. Baronet seemed to him (Mr. Adderley) to differ only in degree from that of the Bill before the Committee, and ultimately to arrive very much at the same point. In both cases it seemed to be the wish that those functions which were absolutely and purely local should be discharged by a local body, whether it be called a municipality or by any other name, and that the Central Government should attend to those matters which applied to the whole of the colony. When the hon. Baronet referred to the wishes of the colonists, he (Mr. Adderley) fully agreed with him that that was the right quarter to appeal to; but when he said that the colonists agreed with his views, he (Mr. Adderley) thought that the hon. Baronet was mistaken, and that he had taken an erroneous view of the documents to which he referred. At various meetings in different places, the colonists had expressed a wish for local self-government; and in using the word "municipal," they had said that they did not employ it in its strict and limited meaning, but in a larger sense, expressly citing the Rhode Island precedent as an illustration of the large powers they so designated. He was not now alluding to the petition from the Canterbury Settlement, but was quoting the language employed at a large meeting held at Wellington. With respect to the statement that the Canterbury Settlement was an exclusive Colony, he must tell the hon. Baronet that there was nothing exclusive in that settlement. The colonists were Churchmen, and went out on a combined plan for carrying out all the institutions necessary for civilised life, in which they of course included the Church as their provision for the most important requirement of all. Close beside them was a Presbyterian Colony, to which, certainly, with equal justice, the title of exclusiveness might be applied; but they all knew very well that there were such principles of exclusiveness in all the most successful Colonies. But he begged distinctly to deny that such combination necessarily implied exclusiveness. The combination of men agreed in all essentials, was necessary for the complete execution of any scheme; but the combination of Churchmen proved Canterbury had no spirit of exclusion in it against any who chose to come into a settlement so formed. He appealed from the hon. Baronet to the colonists themselves; and before the hon. Baronet pressed the Amendment, he would beg of him to consider if there really was any great difference in ultimate effect between his plan and that proposed by Government.

Lord JOHN RUSSELL said, it was certainly very desirable that a Bill should be passed during the present Session which should confer representative institutions on New Zealand. There were, indeed, several points in the present Bill on which he might entertain a different opinion from that of the right hon. Gentleman the Secretary of State for the Colonies, yet he did say, that upon its principal points there was a great concurrence of opinion, both on his own part, and generally on the part of the House. Therefore he should wish to interfere as little as possible with the progress of this Bill through Committee, and he would apply that wish to the statement made by his hon. Friend the Member for Southwark (Sir W. Molesworth). Their general opinion was, that there should be one general representative Legislature for New Zealand, and that there should be local bodies, having more or less powers, and partaking more of a municipal than of a supreme legislative character. He (Lord J. Russell) would have preferred that they should have begun by creating a legislature for the whole Colony, and had made the powers of the various local bodies to arise out of the powers of the general legislature. But that appeared to him to be a difference upon which the House ought not to be divided; and as his hon. Friend the Member for Southwark had stated his views upon the subject, he (Lord J. Russell) should much rather, if the Government persisted in their view of the mode in which the Bill ought to be carried into effect, that the hon. Baronet should waive his opinion in favour of that of the Government, and allow the Bill to pass in the shape in which it had been proposed. He the more readily said this, for two reasons that had arisen since the second reading of the Bill. One was, because the right hon. Gentleman the Colonial Secretary had given notice of an alteration by which the superintendents, instead of partaking of the character of lieutenant-governors appointed by the Crown, should partake more of the nature of mayors of municipalities, being elected by the bodies over which they had to preside. That change certainly reconciled him more to the present shape of the Bill. The other reason was, that the right hon. Gentleman had himself declared that night, before going into Committee, that the municipal character was the character which he wished to affix to these local bodies. It was the more desirable that they should have that character, because then there was no reason to apprehend that conflict of jurisdiction which he thought was the only practical evil they had to dread from the present shape of the Bill. There was, even with regard to the municipalities of this country, a power in the Secretary of State to disallow the by-laws passed by any corporation; and in the same way there would be a power with respect to the legislation of the local bodies in the Central Legislature. Therefore, upon the whole, he should say there was nothing inconsistent in the scope and object of the Bill. He did not wish to take any further part in the discussion, but perhaps he might state that he thought some difficulty was likely to arise hereafter on one point, if a considerable alteration was not made in the measure. He did not wish to dispute the point whether the Legislative Council should be nominated or elective. He should certainly prefer the elective shape, as contemplated by Earl Grey; but, however, that was a matter on which he should not vote if it was not in accordance with the views of Her Majesty's Government. But there was a provision in the Bill by which there should be a limitation of the number of members of the Legislative Council, and yet that they should be appointed for life. Now, he apprehended that there would be considerable danger in that provision; because they might have the Legislative Council appointed for life separating themselves upon some questions from the community, and thwarting the measures of the representative body. If that body was to be appointed for life, he thought it would be absolutely necessary that the Crown, or the Governor as the representative of the Crown, should have power to make it from time to time act in accordance with the views generally entertained by the representative body, and with the feelings of the colonists at large: otherwise there would be the danger of a minority setting themselves up against the majority, and no means of terminating the antagonism, owing to the minority holding their seats for life, and there being no power to increase their number. This difficulty would be obviated by allowing the Crown to extend the number of the Legislative Council without limitation. As the Bill now stood, it was provided that the number should be not less than ten, nor more than fifteen; which, in his opinion, was an unnecessary restriction upon the power of the Crown. If a contingency should arise, he thought it desirable that the Crown should have the power he had mentioned; and, with this exception, he had every wish that this Bill should pass into a law this Session.

Mr. EVELYN DENISON said, he had heard the speech of the right hon. Baronet the Colonial Secretary with great satisfaction on many points; but one argument used by him did not appear to carry any great weight with it. The right hon. Baronet said, that if we gave this Central Legislature any very considerable powers, he feared it would be very loth ever to part with the powers so confided to it to a subordinate jurisdiction. Now he (Mr. J. E. Denison) thought the great objection to the establishment of this Central Legislature was the difficulty of communication between the various parts of the Colony, which was such that he had believed it would be impossible to get men of standing to give their time in the performance of legislative duties in this central meeting. If, however, he understood that these difficulties might be overcome, he thought the preponderance of argument was certainly in favour of the Central Legislature, in favour of endowing it with supreme power, and with all possible dignity and honour, so as to induce men of consideration and of standing in the Colony to devote themselves to the discharge of the duties of members. He should, therefore, infinitely prefer the form suggested by the hon. Baronet below him (Sir W. Molesworth); but, at the same time, after the speech of the noble Lord the Member for the City of London (Lord J. Russell), and in the face of what seemed to be the general opinion of the House, namely, that hon. Members should not seriously interfere with the passing of this Bill, he feared the suggestion of the hon. Baronet would not be of much avail. He should like, however, to ask the right hon. Baronet the Colonial Secretary, whether, in the clause which granted the powers of altering the Constitution to the Central Legislature, it was his intention to extend those powers so far as to enable the central body very materially to affect the form and functions of these local Legislatures themselves, because, if so, the matter in dispute was contracted into a very narrow compass. He did not wish to give any serious opposition to the passing of this Bill; but if the hon. Baronet (Sir W. Molesworth) divided the Committee, he should feel bound to support the Amendment.

Mr. MOWATT said, that notwithstanding the extraordinary circumstances in which the House found itself with regard to the amount of business which had to be transacted before the termination of its existence, and notwithstanding the deprecation of obstruction, or even criticism, that had on that plea been urged, he could not let this Bill pass without submitting a few observations, taking, as he did, a deep interest in the welfare of our Colonies, and possessing some practical knowledge of the real character of their wants. He had hoped that the disadvantages resulting from the want of experience on the part of the present head of the Colonial Department, would have been in some measure remedied by the advantage of finding that right hon. Gentleman unprejudiced and unfettered on the subject of Colonial legislation. But he was sorry to say that the conduct of the right hon. Gentleman, since he had entered upon his present duties, had confirmed the opinion which he had long entertained, namely, that it was hopeless to expect that the people of this country could legislate for the permanent good of the Colonies. He had expected that the mind of the right hon. Gentleman, as regarded colonial matters, would have been at least a *tabula rasa;* but it must be apparent to every one who had observed his conduct since acceding to office, that he had constantly walked in the beaten paths of, and been altogether led, by the old *habitués* of the Colonial Office. What the Colonies desired was not a complicated body of laws passed by the Imperial Legislature, but a measure which would permit them to govern themselves. If the right hon. Baronet should ask him in what manner he proposed to give that power to the Colonies, his answer would be—Give them such a measure as has been suggested by the hon. Baronet the Member for Southwark. He would not go so far as to predict the failure of this Bill, because of the establishment of six independent Legislatures, for he must confess that he entertained no such opinion. Whatever might be the character of the Legislatures which might be granted to them, the Colonies would in the end progress, and that progress would be the result of their own energies. But he would say this with regard to this measure, that he believed that it would operate prejudicially and injudiciously; and if the hon. Member for Southwark should divide the Committee, he should give him his support. If this Bill were passed in its present shape, he had no doubt that next Session petitions would reach that House from every province in New Zealand, praying to be delivered from its oppressive operation. He thought, however, that by far the most objectionable part of the Bill was that which provided for the nomination of members by the Crown. Now it was a fact incontestably established by experience, that however valuable those men might be before their nomination, their selection by the Government at once destroyed their character. If the Government desired to have a second chamber, they should make it elective, and dependent upon the choice of the people also, without which choice it would never possess their confidence. The Government should elevate the standard of qualification, so as to make the office desirable to the most worthy inhabitants of the Colonies. Some people in this country imagined that our Colonies were to be treated as if they were children, and utterly incapable of managing their own business. Now, a grosser delusion there could not be. If the whole globe were searched, it would be impossible to find men more intelligent, acute, able, and enterprising than those that were scattered at the present moment throughout our Colonies. He hoped that the right hon. Baronet at the head of the Colonial Office would pause in the course upon which he had entered, of inflicting petty, complicated, and detailed legislation upon our Colonies, and boldly propose to the Imperial Legislature a measure that would enable them to govern themselves. What our colonies desired was not an extended and complicated body of laws imposed by the mother country, but as few as might be—as little in the way of legislation as possible; for it must always be remembered that legislation implied interference and, generally, obstruction. Whatever legislature was forced upon them by the mother country, it would have but little effect, except that of retarding their progress for a little while; but it would amount to the same thing in the end—they would owe their progress entirely to themselves. The only persons who appeared really to understand questions were the writers in the press of this country. For example, ten days ago there appeared in the *Times* an article on colonial self-government, the sentiments of which, he would stake his existence, if put to the vote in any one Colony, would have been triumphantly carried by acclamation, so precisely did they chime in with the wants and feelings of the people of the Colonies on Legislation. The language of the colonists was, "Give us as much power as can be safely confided to us, and leave the rest to us."

SIR JOHN PAKINGTON said, he must protest against the application of the last speaker's observation to New Zealand, because he believed that nothing would be so painful to that Colony as to be left alone. It was because he had a deep conviction that New Zealand required this Bill, that he had undertaken to introduce it, and it was because he believed he was taking the course most acceptable to the Colony that he preferred the shape that the Government had given to the Bill, to the shape proposed by the hon. Baronet opposite (Sir W. Molesworth), great as was his authority on these subjects. Looking at our past experience of Australia and Canada, he thought it was wiser to give the Colony municipal institutions at once, rather than to expose their creation to risk and uncertainty. But this Bill was a mere outline, giving large powers to the colonists to fill up the details as they deemed best; and he would remind the hon. Baronet that he (Sir J. Pakington) had made it his business to consult all those in this country conversant with this subject; and it was in consequence of their advice that he had adopted the present plan in preference to the hon. Baronet's. He therefore hoped the hon. Baronet would not divide the Committee.

MR. MOWATT: I beg the right hon. Gentleman's pardon. What I said was, that the Colonies simply desired a measure which would enable them to legislate for themselves, and not a piece of detailed legislation like that now before the Committee. I am surprised at the statement of the right hon. Baronet as to the large powers of self-government which had been conceded to the Colonies, when it is well known that not a shilling of their revenue can be expended except in such manner as is directed by the officers of the Imperial Government.

SIR WILLIAM MOLESWORTH said, that seeing that he was in a decided minority, he would not put the Committee to the trouble of dividing.

Clause *agreed to;* as were also Clauses 3 to 17 inclusive.

Clause 18.

SIR WILLIAM MOLESWORTH said, he had to propose an alteration in this clause, the effect of which would be to strike out the general powers conferred by the Bill on the Local Legislatures, and to give them power only over certain enumerated subjects, such as were contained in the Australian Constitution Bill. If they left in the Bill the powers now conferred by it on the Local Legislatures, they would not be creating simple municipalities, but they would be carrying out the views entertained by the right hon. Member for the University of Oxford (Mr. Gladstone); for as sure as the Bill passed in its present state the various Provinces would become States very nearly as independent as the States of the American Union now were. He would suggest, therefore, whether it would not be better to confine the powers proposed to be conferred upon the municipal bodies to certain enumerated subjects, and to give the general powers to the Central Legislature. With this view he proposed to leave out all the words in this clause after the words "all such laws and ordinances," and to introduce the words "to make by-laws for local purposes."

Mr. GLADSTONE said, that when the hon. Baronet the Member for Southwark talked of this clause giving effect to his (Mr. Gladstone's) views, and not to those of the right hon. the Secretary of State for the Colonies, he thought that the hon. Baronet was more than just to him, and less than just to the Secretary of State in carrying out the views which he entertained. He should have been very glad if the Bill had given effect to his views, because he had great faith in the full application of the principles of local government to New Zealand; but he must observe, that the right hon. Gentleman the Secretary of State appeared to have followed the principles of the Municipal Corporation Act of England. It did not exhaust by a catalogue the subjects of legislation, with which the Local Legislatures were to meddle, but it gave them general powers to enact by-laws for the order and good government of the corporation, reserving to the Government the check of a veto to be exercised within forty days. In the present instance the Secretary of State had gone still further—further, indeed, than he thought was wise—for he reserved the check of a veto which might be exercised any time within two years. He had objections to the measure; but he looked at the Bill as a whole, and he felt that its great merit was this—that it would allow the deliberate will of the colonial community to settle the institutions of New Zealand as they might think proper. If the intelligent public feeling of the Colony should be in favour of the local principle of government, he had no doubt that the local principle would in that case gain full scope, and override those powers, giving the Central Legislature a check over the Local Legislatures; but if public opinion should be in favour of a Central Legislature, then the central legislative power would limit, curtail, and cut down the powers of the Local Legislatures. On these grounds he was willing to support the clause as it stood at present.

Sir JOHN PAKINGTON said, he had little to say in addition to what had been said by the right hon. Gentleman the Member for the University of Oxford. He thought the sound and liberal principle was to allow the different municipal bodies to legislate for the good of their respective localities, restricting them only in the case of subjects of general and imperial importance, and that it would be far better to leave their powers wide, in order to meet unforeseen contingencies, than to tie them up to any enumerated list of subjects, however wide they might be.

Mr. AGLIONBY said, he preferred the Clause to the Amendment of the hon. Baronet (Sir W. Molesworth). He considered it was unwise to lay down rules and to attempt to legislate for the Colony.

Mr. MOWATT apprehended that, in the first instance, there would be a great struggle for supremacy between the Local and Central Legislatures under this Bill; for though a power of veto was given to the Central Legislature, yet he feared that would not be enough.

Mr. ADDERLEY said, he should support the clause, because he felt that at the commencement of the working of these institutions the Provincial Councils would require greater scope than they would need afterwards.

Amendment, by leave, withdrawn.

Clause *agreed to.*

Clause 19.

Mr. F. PEEL said, he ventured to suggest an Amendment in one paragraph in this clause, the object of which would be to give the Local Legislatures the power of controlling the sale and letting of the Crown waste lands situated within the limits of their respective provinces, and also the appropriating the land fund arising from their disposal. As matters stood at present, the Crown—subject of course to the rights of the New Zealand Company—was at liberty to appropriate the proceeds of the land fund; but it was proposed by this Bill to transfer that power to the authorities within the Colony, and it therefore became a fair question to consider whether it would not be preferable that the local councils should exercise that power rather than the General Assembly. Now, he was of opinion that it would be, on the ground that where it was required that persons should pay a price for their land higher than its intrinsic value, they were entitled to receive an equivalent in the form of some moral or material advantage, directly and personally beneficial to themselves, and that they could derive that advantage only from this power over the produce of the land sales being conferred on the local councils. If they gave it to the General Assembly, he had no doubt that it would be exercised for the general benefit of New Zealand. But that general benefit might have a very remote and distant bearing on the interests of the particular settlement where the land was situated, and within which the land fund had been created. The revenue of the Colony must be derived principally from two sources—the customs, and the sale of land. Now the customs duties were imposed on articles that, though landed at particular ports, were consumed generally throughout the Colony, and therefore there could be no objection to giving the Central Legislature the appropriation of the revenues derived from the customs. But the case was different with respect to the land fund; because not a shilling of it might be spent in the neighbourhood of the persons who had contributed to it. So far with regard to the land fund. Now with regard to the power of controlling the price of land sold and let within the Colony, he believed that if it were not for the terms of purchase at which the New Zealand Company had contracted to sell their lands, and the rights of the Canterbury Association, the best thing would be that they should fix by Act of Parliament one uniform price for the sale of lands in New Zealand. That would be the only way in which they could prevent fluctuations in the price, and give a guarantee to persons investing capital in the lands of that colony, that their investments would neither be capriciously enhanced, nor depreciated in value. He believed farther, that such a course would be in accordance with the wishes of the Colonists themselves, because there had very recently been received from the residents an address to the Crown, praying that Her Majesty would fix one uniform price of land in New Zealand. But then they were told that the existing terms of purchase were contracts binding on the Crown, and that the Crown could not alter them without a breach of faith, unless with the consent of parties. It was fair to those who had purchased land in New Zealand on the terms issued by the Company, that those terms should not be altered without their consent. He considered, therefore, that the best course now would be to give to some authority within the Colony, the power of altering the terms of purchase. He thought it was most desirable that the terms of purchase should be altered. At present the price of land varied in the different settlements from 60*s.* to 20*s.*; and, therefore, he was in favour of giving to some authority within the Colony the power of altering it so as to bring it eventually into uniformity throughout every settlement. But he would give that power to the Local Councils rather than to the General Assembly, because he considered that the purchasers of land within each settlement were the only parties entitled to determine whether the price should be altered or not. He pressed this the more, because he observed that in the Bill two provinces out of the six—the provinces of Canterbury and Otago—had the power of altering these terms. Now, he thought the other provinces would have a just right to complain if Canterbury and Otago, besides having the exclusive right to alter the price of their own lands, should also have a voice in altering the price of the land in the other provinces, as they would have if the power in question was conferred on the General Assembly. He trusted, therefore, that the right hon. Baronet the Colonial Secretary would not object to the alteration in the clause which he suggested.

Sir JOHN PAKINGTON said, no one was better acquainted than the hon. Member for Leominster (Mr. F. Peel), with the peculiar circumstances which regulated the sale of lands in the two settlements to which he had alluded. But he was not disposed to yield to the suggestion of the hon. Member, because he intended the concession as a boon to the Colony, and he was unwilling to impair its value by subdivision. He agreed that it would be most desirable to have one uniform price for the lands; and the most likely way he thought of obtaining that end, would be to have all the lands under one management. Another important consideration was, the economy with which these lands might be managed; and he certainly thought that economy would be better consulted by having one central management, than by diffusing it over the different Local Legislatures.

Mr. AGLIONBY said, he was also in favour of a uniform price for the land. At first that price was fixed at Wellington at 20*s.* per acre, 10*s.* of which was regarded as payment for the land. At Nelson the price was raised to 30*s.*—at Otago to 40*s.*, and at Canterbury to 60*s.* In all of these the price of the land was about the same, but the additional price was intended as payment for additional advantages, as in education and religion. He thought that a uniform price, however, was desirable, but he did not think it would be attained by the means suggested by the hon. Member for Leominster.

Mr. ADDERLEY said, the Colony was most grateful to the right hon. Gentleman

(Sir J. Pakington) for having handed over to the colonial authorities the management of the land fund. With regard to the details, he concurred generally with the hon. Member for Leominster (Mr. F. Peel), and he felt grateful to him for having stated so clearly and impressively the argument in favour of giving the management to the Colonial Legislatures. He could not say, however, that he was in favour of a uniform price—he should not think it was either desirable or even attainable, for circumstances would always differ in the different settlements. Neither did he think that economy would be gained by placing the management of the land fund in the hands of the Central Legislature. But at the same time, he knew the Colony felt so grateful in having the management of this fund conceded to them in any shape, that he would not now impede the progress of the Bill by raising objections to the mode.

Mr. EVELYN DENISON said, the question of land was the master question in every new settlement. For his part, he rejoiced that the right hon. Gentleman the Colonial Secretary had placed this question under the control of the Central Legislature, as he was satisfied that, when the transfer was once made, all questions regarding the price of land, and a hundred other subjects, would speedily be put an end to. The Colonial Legislature would have power to settle the price according to the natural principles of supply and demand; and he had no doubt that the proceedings of the New Zealand Legislature in this respect would set an example worthy to be followed by the other Colonies.

Mr. F. SCOTT said, he thought the observations of the hon. Gentleman (Mr. J. E. Denison) would be deserving of more support if the Colony of New Zealand were now dealing with the land question, without being encumbered with the decisions of the various companies who possessed land there. He did not desire to impede the progress of the Bill; but if he might suggest the postponement of this clause, he thought it would be very desirable, as it was a most important one, and should be reconsidered. He also objected to that part of the Bill which related to post-offices and the carriage of letters, as he thought the term "Post-offices" a very ambiguous one. Another point which he thought was not sufficiently explicit in the Bill, was that relating to the erection and maintenance of lighthouses.

Sir JOHN PAKINGTON said, he could not accede to the proposition for the postponement of the clause. Nothing could be more generally acknowledged than that the regulation of the Post-office was an Imperial concern. It was so here, and he could see no reason for a departure from the universal practice in this case.

Mr. MOWATT said, here was more evidence of the unhappy disposition of the Colonial Office in this country to encumber the Colonies with its interference. The Post-office, it had been said, was always matter for Imperial legislation. That was so in Europe; but to make it absolutely so in a case where it would take six months or more to get an answer on such a trifle as changing the office from one house to another in the same town, was ridiculous. What possible harm could result from striking such a clause out of the Bill? So, too, in the case of a lighthouse, what danger to Imperial interests was to be apprehended because a point of this kind was not referred to the Central Legislature?

Mr. F. SCOTT said, he should move that the words "Post-office" be struck out of the fifth division of the clause.

Mr. EVELYN DENISON said, the Central Legislature had power, by the 69th Clause, to alter the provisions of this Act; and if the regulations of the Post-office were found not to work well, they might be altered.

Mr. SLANEY thought the management of the Post-office was properly confided to the Imperial authority. A proof of this was afforded by the cheap postage of this country. The price of land, too, was properly left to the governing body; were it otherwise, the municipalities might bid against each other.

Mr. VERNON SMITH wished to know if it was likely any difference could arise in the legislation respecting Europeans and natives.

Sir JOHN PAKINGTON said, that in the event of the Central Legislature passing any enactment, that enactment must receive the consent of the Crown. As to any differences being likely to arise in legislation, as it regarded Europeans and natives, the whole spirit of this Bill, and the whole spirit of his intentions with regard to it, was to put the natives as completely as possible on a footing with the Europeans.

Amendments *negatived.*

Clause *agreed to;* as were also Clauses 20 to 32 inclusive.

Clause 33 (Appointment of Members of the Legislative Council),

SIR JOHN PAKINGTON said, that in deference to what had been said by the noble Lord the Member for the City of London (Lord J. Russell) in an earlier part of the evening, he was quite ready to strike out the words limiting the number of the Legislative Council to fifteen.

SIR WILLIAM MOLESWORTH said, that the great object of a second chamber was to obtain a Conservative element of a character to gain and deserve the respect of the people. The only way to make the upper house effective, was having it elective by the people, and allowing its members to sit for a longer period than those of the lower. Supposing they took six provinces, gave to each two members, elected them for eight years, and made half go out every four years; such a house, as shown in the States, would, and does truly, represent the natural Conservative element. That element it was impossible to obtains by means of Government nominature. There was a strong feeling against nominees everywhere—in New Zealand as in Australia. Take the most popular man and make him a nominee of the Crown, he at once ceases to be popular; he is considered a mere tool of the Government. By making nominees he was certain that they did not get what they wanted, and that they offended the sense of the people. He protested against this nominated second chamber as being contrary to that sound principle of balance of power which he thought ought to exist in every Government formed on an analogy to the Constitution of England or of the United States.

MR. MOWATT said, that this clause constituted the essence of the Bill, and if it was retained in its present shape, and the Upper Chamber was nominated by the representative of the Crown, however perfect the Bill might be in the rest of its machinery and details, it would be utterly valueless for the purpose which that House had in view—to satisfy the colonists. An effective upper chamber was found in the case of the Senate of the United States to infuse a conservative element into the Legislature of the country; and he believed that a check upon the popular body in the Lower House could be obtained in the mode proposed by the hon. Baronet (Sir W. Molesworth), or by other means, as efficiently as by the system of nominees. Let them raise the standard of the qualification for the members of the Upper House as high as they liked, so as to obtain, in the best way they could, the men whom they would wish the Governor to select for the members of the Upper House; but let them not adopt a system which would have the effect of utterly destroying the efficiency of any man who was called up to that assembly.

MR. S. CARTER hoped the hon. Baronet (Sir W. Molesworth) would divide the Committee on this question, because he regarded it as the most important clause in the Bill. It was an attempt to establish a bungling imitation of the House of Lords in a new settlement, or, what was worse, to create an oligarchy of fifteen in the Colony. The most effective and satisfactory way of proceeding would be to make the members of the Upper Chamber elective.

MR. FORSTER said, he must express his concurrence in the views which had been stated by previous speakers with reference to the injurious effect of the nominee system. He had rather have the sole responsibility of the Governor than that of the nominee Upper Chamber, which was generally used merely as a screen for the exercise of his authority. He believed that the clause as it at present stood would have a most mischievous effect in the Colony, and would give great dissatisfaction.

SIR JOHN PAKINGTON said, that, whatever decision the Committee might come to, he could not subscribe to the opinion which had been expressed by the hon. Member for Penryn (Mr. Mowatt), that this clause was so important as in its present form to render the Bill entirely valueless. He thought that was attaching a most exaggerated importance to the clause, and that it was a view which would not be entertained by any Colony under our rule. When he heard the statement of the hon. Member for Tavistock (Mr. S. Carter), that this was a bungling and abortive attempt to create a House of Lords in the Colony of New Zealand, he could only suppose that that hon. Gentleman, having only just entered the House, had never ascertained what was the constitution of the Legislative Assemblies in those Colonies in which representative institutions existed. This was certain, that whether the alteration which was now pressed upon the Government was or was not a good one, it was an experiment which had never yet been tried in the British dominions;

and however unpopular the avowal might be, it was a change to which nothing should induce him to assent. The hon. Member for Penryn said that an elected Upper Chamber answered in the United States; he (Sir J. Pakington) did not say that it did not, but with every respect for the United States, he was not disposed to go there for precedents for the constitution of a British Colony. He preferred the institutions of his own country; and the hon. Member had not, in his opinion, brought forward any argument for an elected Upper Chamber, which would not be equally good for an elective representative of the Crown. He thought it was the duty of that House to see that the institutions of our Colonies were assimilated as closely as possible to those of the mother country. Now they had no precedent for an elective Upper Chamber either in England or in any of the Colonies which had representative institutions; and although he did not mean to say that they could make the analogy perfectly literal and close between the two cases, he believed that they would obtain the closest analogy possible to the House of Lords, by giving to the Crown the power of nominating the members of the Upper Chamber; the only difference being that the dignity conferred was hereditary in the former, and not in the latter case. There were five representative constitutions in North America, namely, those of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, and in every one of these the Upper Chamber was nominated by the Crown. The same was the case in the West Indies, with the exception of British Guiana, which had a peculiar constitution left by the Dutch. He might be told that there was an exception to this rule in the case of the Cape of Good Hope; but the constitution for that Colony had only been sent out the other day; it was not yet completed, and had not yet become one of the settled constitutions of the British Empire. He would be no party to any other course than that of assimilating the constitution of the Colonies to that of the mother country, which would not be done if they made the Upper Chamber elective. He differed altogether from hon. Members opposite with respect to the theoretical disadvantages of a nominee Upper Chamber, for, looking to that body to fulfil the functions of a check upon the more popular branch of the legislature, and at the same time as standing between it and the Crown (represented by the Governor), he thought those functions would be much more efficiently discharged by an independent body of men, than by a chamber deriving their existence from the same authority which nominated the lower branch of the legislature.

Mr. F. PEEL said, that the right hon. Baronet the Colonial Secretary declared that he desired to assimilate the constitution of the Colonies to that of the mother country, and would be no party to the adoption of a different course. Now it was very natural that we, who knew by experience what was the advantage of living under institutions so nicely balanced and justly proportioned as our own, should desire that our descendants in the Colonies should participate in what we found was so great a boon to ourselves. But then he thought we should give the Colonies not only the form but also the substance of the English Constitution. Now, he failed to perceive what was the practical advantage to be derived from having a nominated Upper Chamber. The advantage of an Upper Chamber was generally supposed to be that the passage of a measure through two chambers gave time for deliberation, and prevented crude and hasty legislation, and what was merely the reflection of the transient impulses of the moment. Another great advantage of a second chamber was, that it prevented the representative of the Crown from coming into direct collision with the will of the people, which would be the case if there were only a single chamber, and he was obliged to veto any objectionable measure which it might have passed. If, however, the Upper Chamber was to resist the current of popular feeling, it must have some inherent force and vitality in it that commanded the respect of the country, and in some sort enlisted on its side the prejudices and feelings of the people. Now the House of Lords in this country was qualified to discharge functions of this sort, because it was composed of persons having large territorial possessions, and who had been ennobled for services they had themselves rendered to the country, or which had been rendered by those who stood in the line of their ancestry. But what resemblance wou'd a nominated upper chamber have to the House of Lords? The Governor was to select whom he pleased for its members, without respect to territorial possessions, or to any other condition of eligibility. He did not think that a body so composed could command the respect of the Colony. Moreover the members of the Council, when once chosen, were to hold their offices for life, so they would not merely be independent of the people, but also of the Governor; and it was clear, therefore, that they would compose a close oligarchy, who would be most likely to impede the progress of all measures that would conduce to the advantage of the Colony. When the right hon. Baronet referred to Canada and the other provinces of British North America, he (Mr. F. Peel) must remind the Committee that there had been recent changes in the constitution of these colonies, which were not without a bearing upon this question of how the Council should be composed. It was always supposed that the Governor would fill up the vacancies occurring in the Council by persons of acknowledged ability, distinct from any party considerations, and because they represented the leading interests in the Colony. But of late years there had been an agitation in North America for what they called responsible government—very incorrectly, as he thought, because he hoped and believed that the Executive of our Colonies was conducted under a sense of responsibility, not merely to the Colonial Office, but also to the people whose administration they conducted, and whose affairs were placed under their direction; what they meant was party government—government by persons who possessed the confidence of the majority of the House of Representatives. Now in Canada, Nova Scotia, and, he believed, in other provinces of British North America, where responsible Governments had been established, what had been the effect produced on the manner in which the Councils were appointed? The vacancies were now filled up by the Governor, on the views of his Executive; and the Executive, being now the government of a party, of course recommended persons, not with reference to their station or ability in the Colony, or to their being of the leading interests, but because they sided with their own party views. The effect of that change had been still lower to depress the Council in public estimation, and to lessen the respect attached to it. But the right hon. Gentleman said that precedent must rule the day, and that in whatever Colonies there were two chambers, one of these had always been nominated by the Governor. Now we had a very extensive Colonial Empire, and one extending to all the quarters of the world; but only in the West Indies and in the North American provinces had we any example of legislation by two chambers. The area, therefore, of our experience was comparatively a restricted one. It was quite true that the upper chambers, where such existed, in the West Indian Colonies were nominated by the Governor; but he contended that there were particular reasons for this, which did not apply to the case of New Zealand. In these islands the upper chamber was not merely the Legislative Council, but it was also the Privy Council and the Executive of the Governor; and no one had suggested that the Executive of an officer appointed by the Crown, should be elected by the people. The Legislative Council in Jamaica, for instance, which was only an illustration of what existed also in the other islands, consisted of eleven persons; three being members *ex officio*—the Bishop, the Chief Justice, and the Commander-in-Chief of the Forces—who were also members of the Privy Council of the Governor, and gave advice in that capacity—and eight others holding the chief offices of the Executive, and being in fact, salaried officers of the Government. But although this reason existed for the upper chamber being nominated by the Governor, it was not true that there had been no disposition in Jamaica to make the upper chamber elective. When, two or three years ago, the Retrenchment Bills which passed the House of Assembly were rejected by the Legislative Council, the former body passed a resolution declaring that the latter did not possess the confidence of the country, or of the House of Assembly, because it was nominated; and although their constitution had been in existence 200 years, they addressed the Crown, praying that it might be altered, and that the Legislative Council might be made elective; nor, in fact, did the people in our North American colonies so entirely acquiesce in a Legislative Council appointed by the Governor, or consider it so serviceable to good government as the right hon. Gentleman had represented. Only last year the House of Assembly in New Brunswick passed a resolution to address the Crown to make the upper chamber elective, and the Governor had prepared a measure for carrying out that object, and had laid it before the Legislative Council. That body had postponed the consideration of it to the present year; but what course the Legislature of the Colony had taken with respect to it this year, he was not aware. Newfoundland had also last year addressed the Crown, asking for party and responsible Government, and that the Legislative Council might be made elective. Every one, too, who knew the history of Canada knew that there had been a constant struggle and antagonism between the two chambers in that country. What took place with respect to the clergy reserves, was one illustration of the want of harmony between them. In nine consecutive Sessions immediately preceding the union of the Canadas, the House of Assembly of Upper Canada passed a Bill, which was as often rejected by the upper chamber, for secularising the clergy reserves, and applying them to the purposes of education. Now if the Legislative Council had not been nominated but had been elected, that measure would have passed through both Houses; and it was quite clear, therefore, that the members of the Legislative Council had been selected by the Governor without much reference to the proportions which the different religious bodies in that Colony bore to each other. These were reasons that might well lead the Committee to doubt whether the precedents that had been referred to by the right hon. Baronet were of so much weight as he supposed, and whether it was not expedient to try the experiment of an elective chamber in New Zealand.

Mr. WALPOLE said, that one argument that had been used against this clause convinced him that the clause ought to be agreed to. The argument of the hon. Gentleman who had just resumed his seat was, that the effect of this clause would be to have a Legislative Council independent of the people, and also of the Crown, as represented by the Governor. Now, that was the very object of an upper chamber—to guard against crude and hasty legislation, reflecting too rapidly the premature opinions of the people, before they were well digested, and admitted as sound opinions by the country at large, while, on the other hand, it operated against any undue encroachments on the part of the Crown, which, by its preponderance, might press on the liberties and freedom of the people. But, in addition to that, what the hon. Gentleman had stated in reference to precedent ought to weigh very strongly with the Committee in their decision upon this question. It was right they should assimilate the institutions of every part of Her Majesty's dominions, as far as circumstances would admit, to those institutions which we had found so much for our own benefit; and he was astonished, when they were discussing this Colonial question, to find a sort of censure cast upon those institutions which they were so willing to praise when applied to this country, but which they were prepared to abandon when applied to our fellow-countrymen in the Colonies. He thought that if that House wished to encourage the best class of emigrants to go out to our different colonial dependencies, they could not do it in so excellent a manner as by securing to these Colonies all the laws, habits, and usages to which they had been accustomed in this country.

Mr. AGLIONBY said, he agreed that, in order to encourage the upper classes to become Colonists, it was right to hold out all the inducements possible; but yet he thought the present clause was the blot upon the Bill. He should like to know from the right hon. Colonial Secretary, who had told the Committee that he had been in communication with gentlemen connected with our Colonies, whether any of these gentlemen had sanctioned this mode of proceeding by a nominee Council? He had no objections to the existence of a second chamber as a check on hasty legislation; but he would ask whether there was no other mode of constituting this intervening body which it was desirable to have? Was there no way of introducing a property qualification in the constitution of that chamber, so as to effect a nearer resemblance to the House of Lords in this country? He declared, from his extensive correspondence with those parties who had emigrated to this Colony of New Zealand, that nothing was more odious than a nominee Council; and it was a fact that the persons summoned to the Council by the Governor refused to be his nominees, on the ground that they would have been looked on with suspicion as the tools of the Government. He strongly urged upon Her Majesty's Ministers the reconsideration of this clause, and the question which had been raised upon it.

Mr. ADDERLEY said, he thought that the fact of the members of the upper chamber being nominated for life, was, perhaps, a saving clause; and he thought it just possible that it might render them sufficiently independent of the Crown. For he did not think the Governor would dare to swamp them by increasing the number of the chamber, nor that he could do so if he tried. He joined issue with the right hon. Gentleman the Secretary for the Colonies upon the point of precedent, for he maintained that every precedent in English Colonial history was in favour of an elected upper chamber. If he refused to take the United States as a model for the constitution of a British colony, let him go back to those States when they were not only the finest Colonies of England, but the finest Colonies that the world had ever seen. A division of the legislature into two chambers had always been found necessary in New England, and in every case both chambers were elective. He thought when the right hon. Baronet said that he would not take a lession from the United States, he was carried away by forms and names, and had lost sight of the spirit and essence of the thing. And when he referred to the case of Canada, let him bear in mind what was pressed upon their attention the other evening by the right hon. Member for the University of Oxford (Mr. Gladstone), that those who were there agitating for such a change in the constitution as would render the upper chamber elective, were the Conservatives, and those who were in favour of the preservation of British influence in that Colony. He (Mr. Adderley) trembled when he heard the right hon. Gentleman say that the Constitution for the Cape of Good Hope was not yet a settled feature of our colonial policy, but was still *sub judice*, for he was perfectly certain, from information which he could not doubt, that any despatch which the right hon. Gentleman might send out, altering the elective character of the upper chamber, would convulse the Colony to its very foundation. That was the most popular feature in the Constitution, and, once having been promised and held out to the Colonists, their attachments, hopes, and expectations connected with it, were such that it would not be safe, having regard to the integrity of the Empire, to deprive them of it. He hoped, however, that if the right hon. Gentleman made a *sine quâ non* of this proposition, the Committee would consent to it, rather than lose the Bill altogether.

Lord JOHN MANNERS said, he was not much in the habit of taking part in colonial debates, but it seemed to him that some hon. Gentlemen who had expressed their views upon the formation of a Constitution for this Colony were too apt to consider that Constitution as thoroughly complete, and not in the light more or less of an experiment. It was impossible that, in a new Colony, they should find a House of Lords, or House of Commons, or Court of Judicature, or Established Church, that would be exactly equivalent to the corresponding institutions in the mother country; and the objection that had been urged against a nominated upper chamber in New Zealand might as well be urged against the House of Assembly of New Zealand, or any other institution in that Colony. What the Committee ought to regard on such an occasion as the present was, whether the institutions proposed for the Colonies were calculated in their ultimate effect to produce the same results which had issued from the institutions of this country. He supported the clause in the Bill, because the upper chamber, which his right hon. Friend proposed, might very fairly be expected to yield those results which had flown in a long series of years from the corresponding institution in this country. He saw in this chamber, thus nominated by the Governor, the germ of a New Zealand House of Lords. It was true, they did not find at present the elements which would form a House of Lords as it existed at this moment in England; he did not see the property and the ancestral position which rendered the House of Lords, in the 19th century, worthy of the dignity and the high respect universally accorded to it. But if these were now wanting, that was no reason for saying they would always remain so. Their duty as statesmen was to provide institutions for the Colonies with a view to the future—such as would give those results that had been arrived at in this country. He regarded it as a recommendation of a chamber appointed by the Governor, that it would be independent of him. Such a chamber would form the basis of a more free, and a more independent, upper chamber than any which the hon. Gentlemen opposite could devise, and of one more free, more independent, and more powerful than any that should exist at the will of the Governor. He therefore trusted the Committee would accede to the proposal of his right hon. Friend.

Mr. VERNON SMITH said, he was glad to find they had got in the noble Lord a new recruit on Colonial affairs, because the great cause of complaint was that so few persons in that House had taken an interest in them. He must say, however, that he was surprised and astonished at the alteration of tone on the part of Her Majesty's Ministers, because hitherto they had proceeded on the supposition that the consent of the Colonists was the first thing to be considered, and he was sorry to hear that Her Majesty's Government had departed from that doctrine. The elective principle was the one advocated by almost every Colony; it was the Constitution they had given to the Cape of Good Hope. And why not give it to New Zealand—why did they go backward in their course? He was surprised at the right hon. Baronet's sudden horror of American and Republican Constitutions, when he introduced this Bill, forming, in fact, six small Republics and a sort of Federal Government; and anything having more of an American appearance could scarcely be conceived. Now, however, the right hon. Gentleman was determined that nothing should be done in the Colony except by exact analogy to the mother country. Instead of a House of Lords, they were to have sixteen gentlemen nominated by the Governor of the Colony for life; but it would require the fancy even of the noble Lord who had just sat down to discover any analogy between the two bodies. The House of Lords was possessed of property and of prestige, and he could not conceive anything more absurd than a proposal for establishing in their Colonies a nominative Council and calling it a House of Lords. All they wanted was a double assembly for the purposes of deliberation—that was to say, that every question should be submitted twice for consideration; and if they elected that second body with a different qualification and a different term of duration, they had all that was wanting for deliberative consideration. The hon. Member for North Staffordshire (Mr. Adderley), had asked them not to oppose the clause, because it would be fatal to the Bill. He (Mr. V. Smith) had yet to learn that it would be fatal to the Bill; but it was their duty to assert the principle which was most dear to the Colonists, namely, the elective principle; and they should not be scared from their course by the threat of the right hon. Gentleman to throw up the Bill if the clause were struck out—a threat which he hoped he would not carry into effect.

Mr. MOWATT said, he would admit that an elective Council was against the general usage of our Colonial policy; but the consequence of that policy was, that, instead of our Colonies being really an outlet for our population, we found that 99 out of every 100 emigrants betook themselves to other Colonies instead of our own. This was but one instance of our insisting upon legislating for the Colonies in every single matter even of the most trifling importance. They must change the system of legislation for the Colonies, because it was a gross inconsistency to talk about self-government to them, when in the same breath they assumed that their own institutions were perfect, and therefore would force them upon the Colonies. That was what the right hon. Baronet had said over and over again; and it appeared to horrify him that they should get up there and talk of the institutions of the United States; but he (Mr. Mowatt) thought it must be admitted that, as a Conservative Chamber, the Senate of the States of America had worked admirably. He believed it was the desire of the right hon. Baronet to confer such a system of self-government on the Colonies as would work beneficially, and, therefore, he hoped he would lay aside the idea that he was committed to all the details of this Bill. The right hon. Gentleman had only recently acceded to office; he had not had a lengthened opportunity of studying the question, and he (Mr. Mowatt) hoped the right hon. Gentleman would not object to their proposing in Committee the alteration of some important clauses.

Mr. CHISHOLM ANSTEY said, he wished to know by whom it was desired that the Constitution of this country should be imitated as far as possible in the Colonies? Was it by theorists on this side of the ocean, or by the Colonists themselves? He had never been able to satisfy himself that there was any occasion for a second House at all; but if two Houses there must be, the second ought to be like the House of Representatives, an elective one. The right hon. Baronet the Secretary for the Colonies, and the noble Lord the Member for Colchester (Lord J. Manners) spoke of the necessity of having a nominated chamber, in order to keep down what they were pleased to term the democratical element. Had either of them seen how this principle had operated in colonies where it had been tried? He (Mr. C. Anstey) had been in a Colony where the prerogative of the Crown had been exercised by the nomination of a Legislative Council, and he asserted that not a single gentleman of landed property or consideration in the Colony found a place there. The persons who were originally named refused to sit in it, and the places were filled up with adventurers who happened to be in the

Colony. This was the sort of House of Lords which the right hon. Gentleman wished to plant in New Zealand. He would not find a single gentleman who would consent to sit there; but he might find clerks and adventurers, and—to use a word which Thackeray had rendered classical—snobs. He would remind the right hon. Gentleman that a nominee Council caused a rebellion in Canada, and if we had not been wise in time, the same grievance would have caused a rebellion in Australia. There was but one choice to make, and that was between one House of Representatives and two Houses of Representatives. Other choice there was none; and if the Bill passed in its present shape, he was sure that the people of New Zealand would repudiate with indignation the insult which had been offered to them.

Sir WILLIAM MOLESWORTH said, it was his intention to move that the clause be omitted.

Sir JOHN PAKINGTON said, that when the right hon. Member for Northampton (Mr. V. Smith) spoke of his (Sir J. Pakington's) creating six little Republics, he begged to repudiate the term. What he had proposed would no more make little Republics, than every city in this Kingdom was a Republic. After the spirit in which the Bill had been met, he could not help expressing a very earnest hope that the great majority of that House would be disposed to act in the manner which had been announced by the noble Lord the Member for London. The noble Lord had stated that there was great weight in the reasons which he (Sir J. Pakington) had given for a nominee chamber, and said that, though he might be disposed to agree with Earl Grey in preferring an elective upper chamber, certainly he should not be disposed by any vote of his to endanger this Bill upon that point. That was what the noble Lord had stated in very distinct terms. He could not help saying once more that he had heard nothing in the course of the debate to support some of the statements which had been made of dissatisfaction on the part of the Colonists. The petitions which he had laid on the table that evening, begged that, as the Bill was, so it might pass. He begged also to remind the Committee, that it was not only throughout Canada, and not only in the West Indies, that the nominee Legislative Council existed, but by the constitution of the Australian Colonies, as reconstructed with only a single chamber, in every one of them there was a proportion of nominee members. [An Hon. Member: One third.] Yes; one-third. The fact was, that wherever there were two chambers, one was a nominee chamber, and where there was a single chamber, the same principle was recognised, and one-third of the members were nominees. He must repeat his hope that the Committee would be actuated by the spirit which he had already alluded to. There might be differences of opinion as to the details, but he thought the principle had been admitted, and he looked upon this as an essential principle of the measure.

Sir WILLIAM MOLESWOTH said, the right hon. Baronet was hardly treating them fairly. The debate had been entered into that evening, as far as he was concerned, with the understanding that the minority should yield to the majority, because they were all anxious to carry this Bill. There were many clauses in it to which he strongly objected, and if he had opposed them separately, the Bill could not have passed. But he had not done so; and on every occasion when he found himself apparently in a minority, he had yielded. He now asked that the right hon. Baronet, if he found himself in a minority, should in like manner yield. He and those who agreed with him on this question were prepared, *bonâ fide*, to carry out this Bill without any factious opposition, according to the will of the majority, and he said that if the right hon. Baronet should throw up the Bill, if the majority decided that the Legislative Council should be elected, it would be a departure from the understanding which had been come to.

Sir JOHN PAKINGTON said, that in several instances in the course of the discussion that evening, he had acted upon the principle of the hon. Baronet, and had yielded to what appeared to be the wish of the majority. At the commencement of the discussion, also, he had agreed to several important alterations; but he begged it to be understood that he could not say, and that he should not be justified in saying, on the part of the Government, that he would give up anything with regard to what he considered to be the important principles of the measure.

Mr. WALTER said, he hoped that no apprehensions as to the fate of this Bill would deter hon. Members, who, like himself, shared the objections of the hon. Baronet the Member for Southwark (Sir W.

Molesworth) from recording their votes against this clause. Any temporary delay in the passing of this Bill which might be occasioned by an adverse vote upon this clause, would be compensated by the advantage of gaining another opportunity of framing a measure for the government of New Zealand upon sound principles of colonial policy. He, for one, entertained the strongest objections to this clause; and he could not imagine a greater libel upon British institutions than the attempt which had been made to compare this nominee Chamber with the British House of Lords.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided* :—Ayes 132; Noes 89: Majority 43.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beresford, rt. hon. W.
Best, J.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Broadwood, H.
Bruce, C. L. C.
Burrell, Sir C. M.
Campbell, hon. W.
Campbell, Sir A. I.
Cayley, E. S.
Chandos, Marq. of
Chichester, Lord J. L.
Child, S.
Cholmeley, Sir M.
Christopher, rt. hon. R. A.
Christy, S.
Cocks, T. S.
Cotton, hon. W. H. S.
Damer, hon. Col.
Deedes, W.
Disraeli, rt. hon. B.
Dodd, G.
Drax, J. S. W. S. E.
Dunne, Col.
East, Sir J. B.
Edwards, H.
Farrer, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Gallwey, Sir W. P.
Gaskell, J. M.
Goddard, A. L.
Gooch, Sir E. S.
Greene, T.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord E.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Howard, Sir R.
Hudson, G.
Hughes, W. B.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knight, F. W.
Knox, Col.
Langton, W. G.
Lennox, Lord A. G.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
Martin, C. W.
Meux, Sir H.
Miles, W.
Moody, C. A.
Morgan, O.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmer, R.
Peel, Col.
Powlett, Lord W.
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Smollett, A.
Somerton, Visct.
Stafford, A.
Stanley, E.
Stanley, Lord
Stuart, J.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, hon. F. W. C.
Vivian, J. E.
Walpole, rt. hon. S. H.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Whiteside, J.
Wodehouse, E.
Wynn, H. W. W.

TELLERS.

Lennox, Lord H.
Knox, W. S.

List of the NOES.

Aglionby, H. A.
Anson, hon. Gen.
Anstey, T. C.
Armstrong, R. B.
Baines, rt. hon. M. T.
Bell, J.
Berkeley, C. L. G.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, S.
Clay, J.
Clay, Sir W.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowan, C.
Crowder, R. B.
Dalrymple, J.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt hon. C. T.
Douglas, Sir C. E.
Duff, J.
Duncan, Visct.
Duncan, G.
Ellice, E.
Ellis, J.
Estcourt, J. B. B.
Evans, Sir De L.
Forster, M.
Fox, W. J.
Geach, C.
Greene, J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hayter, rt. hon. W. G.
Heneage, G. H. W.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hollond, R.
Hutchins, E. J.
Hutt, W.
Keating, R.
Keogh, W.
Kinnaird, hon. A. F.
Littleton, hon. E. R.
Locke, J.
Meagher, T.
Mangles, R. D.
Matheson, Col.
Milner, W. M. E.
Morris, D.
O'Brien, Sir T.
Parker, J.
Pechell, Sir G. B
Peel, F.
Perfect, R.
Ricardo, O.
Rice, E. R.
Romilly, Col.
Romilly, Sir J.
Sadleir, J.
Scobell, Capt.
Scully, F.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. A.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Sutton, J. H. M.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, R. G.
Walter, J.
Watkins, Col. L.
Williams, J.
Williams, W.
Wyld, J.

TELLERS.

Molesworth, Sir W.
Mowatt, F.

Clause *agreed to* ; as were also the Clauses from 34 to 49 inclusive.

Clause 50, which provides for the vacating of seats in certain cases, Mr. CHISHOLM ANSTEY said, he wished to know whether Her Majesty's Ministers could assign any reason for not including in this clause a provision for excluding Jews from the House of Assembly in New Zealand. Some of the Members of Government had certainly distinguished themselves for their Christian zeal for the exclusion of Jews from the House of Commons of this country, and here was an admirable opportunity for the exercise of the same zeal to exclude Jews from an assembly not yet in being, with this difference—that in the House of Commons of Great Britain and Ireland the Jews had a right by law, whereas in New Zealand they had no right whatever. He trusted, therefore, that some Christian Gentlemen on the Opposition benches would get up and move the insertion of a provision to exclude Jews from the House of Assembly in New Zealand; and he (Mr. C. Anstey) should have great pleasure in voting against it.

Clause *agreed to;* as were also the Clauses from 51 to 67 inclusive.

Clause 68, which provides that the General Assembly shall have power to make any alterations in the constitution of the House of Representatives.

Sir EDWARD BUXTON said, that the Local Assemblies had not the power of inflicting any disabilities upon the natives of New Zealand to which Europeans were not equally liable. This restriction, as he understood, did not at present apply to the General Assembly. It seemed to him that no course could be so dangerous as, in a case where the natives were so numerous, intelligent, and warlike as in New Zealand, to give power to any portion of the Colonists to establish an internal superiority over the natives. He trusted, therefore, that the right hon. Gentleman the Secretary for the Colonies would take care that some words were introduced which would extend the limitation in question also to the General Assembly.

Sir JOHN PAKINGTON said, he fully appreciated the motives of the hon. Baronet in making this suggestion. He (Sir J. Pakington) could hardly imagine that the Central Legislature would desire to pass any law which would bear hardly upon the natives, considering what those natives were; still less could he imagine that, even if they did pass any such law, the Governor-in-Chief would hesitate to disallow it. Besides which, it would have to come home for ratification. At the same time he could conceive it possible that there might be outbreaks among the natives, and that it might be necessary to give the Central Legislature power to deal with such a case. But he promised the hon. Baronet that he would consider the matter, and see what could be done with regard to it.

Sir WILLIAM MOLESWORTH said, he took objection to the clause on the ground that, as it then stood, the Governor of New Zealand might take any portion of the Colony and make it a native district, and then establish all the native laws and customs there.

Mr. WALPOLE said, by Clause 53 it was competent to the General Assembly, except as after mentioned, to make laws for the peace and good government of the Colony, provided such laws were not repugnant to the law of England. Then, by Clause 71, power was given to the Governor to cause the laws, customs, and usages of the aboriginal inhabitants to be observed, so far as they were not repugnant to the general principles of humanity. The reason for the clause was, that there were portions of New Zealand where it would be advisable to maintain the customs and laws of the natives until the whole Colony had become more or less incorporated with the European inhabitants. It was not advisable to say at once that the General Assembly should make no laws except such as were consonant with the laws of England, and so at once destroy all the usages and laws which the native inhabitants might think it desirable to retain.

Clause *agreed to;* as were also Clauses 72 and 73,

Clause 74, which provides that upon all sales of Waste Lands 5*s.* per acre shall be paid to the New Zealand Company till their debt is discharged,

Sir HENRY WILLOUGHBY said, he wished to know how the Exchequer was to recover back the sum lent to the New Zealand Company?

Sir JOHN PAKINGTON said, he had endeavoured to do justice to the New Zealand Company and no more, in making that provision in the Bill, and he could not help expressing a hope that it might not be made a ground for reviving bygone differences. The loans in question were cancelled, and he was afraid the state of affairs between the Exchequer and the New Zealand Company was all the other way, and not as the hon. Baronet supposed. The truth was, the Crown was a purchaser of the New Zealand Company to a very large extent.

SIR HENRY WILLOUGHBY: Have these loans been repaid? [An Hon. MEMBER: No!] Then the Exchequer has sustained a loss.

MR. AGLIONBY said, that the present Government, whatever its merits or demerits, was not responsible for the transaction to which the hon. Baronet alluded. That matter was settled by an Act passed in 1847. He concurred in the remark made by the right hon. Secretary for the Colonies deprecating a renewal of old discussions. He regretted that at the commencement of the debate he had been led to introduce bygone transactions, to which it would have been better had no reference been made. He objected to the clause, not as surplusage, but as tending to cause doubts.

Clause *agreed to.*

Clause 74.

SIR WILLIAM MOLESWORTH said, that it was his intention, at this stage of the Bill, to discuss the conduct of the New Zealand Company.

The CHANCELLOR OF THE EXCHEQUER said: As this question of the New Zealand Company is not necessarily connected with the legislation which is now before the Committee, I beg to suggest that the best course which we could take would be to postpone the discussion of that question until the bringing up of the Report. We should then come prepared to deal with that subject — to form an impartial opinion, and give an impartial verdict. If the hon. Baronet will agree with that suggestion—if he will reserve the discussion of that question till another occasion—we shall be able to get through the remaining clauses of the Bill. If we should fix the discussion on the conduct of the New Zealand Company for the bringing up of the Report, that controversy could be entered into, and every other topic excluded.

SIR WILLIAM MOLESWORTH said, he was very sorry to say that he could not agree with the proposal of the right hon. Gentleman. He could not consent to the adoption of this clause.

The CHANCELLOR OF THE EXCHEQUER: Has the hon. Baronet any objection to the postponement of this clause until the remaining clauses have been agreed to.

SIR WILLIAM MOLESWORTH: None at all.

MR. AGLIONBY said, that unless this clause was retained (with such amendments as he hoped the right hon. Baronet at the head of the Colonial Office would agree to), Parliament would commit a gross breach of faith. Amendments on Clauses 74, 75, and 76 had been drawn by counsel, with the view of securing sufficient protection to the New Zealand Company. Those Amendments had only been submitted to the right hon. Baronet on the previous day, and it was impossible that he could have fully considered them. He (Mr. Aglionby), therefore, suggested that progress should now be reported.

The CHANCELLOR OF THE EXCHEQUER said, he would consent to that course, but thought that the Committee might proceed with the further discussion of the Bill on Monday morning.

MR. AGLIONBY hoped that so early a day would not be fixed for the resumption of this discussion.

The CHANCELLOR OF THE EXCHEQUER: I should propose, then, if convenient to hon. Members, to take it on Thursday, after Supply.

House resumed.

Committee reported progress.

CASE OF MR. MATHER.

LORD DUDLEY STUART said, he wished to put a question to the right hon. Chancellor of the Exchequer as to the papers laid on the table respecting the outrage committed on Mr. Mather, a British subject, by an officer in Tuscany. It would appear from the papers that the Government entirely disavowed the proceedings of Mr. Scarlett, at least so he read the papers of Lord Malmesbury. It seemed the noble Lord disapproved of the arrangement. He wished to ask whether he was right in reading those papers in that light?

The CHANCELLOR OF THE EXCHEQUER: said, the Government had placed on the table all the papers connected with the circumstance referred to, and now the noble Lord asked Government what opinion he was to form respecting them, and what conclusion he was to come to. That was really an extraordinary inquiry. The papers would soon be in the hands of every hon. Member, and they must be left to form their own opinion respecting them. He thought it would be satisfactory, but he certainly could not answer for the opinion the noble Lord would form.

LORD DUDLEY STUART said, the

right hon. Gentleman the Chancellor of the Exchequer, certainly could not be called upon to tell him what opinion he (Lord D. Stuart) would form on these papers; but he could be called upon, and he called upon him now— [*Cries of* "Order! Chair! *and* Spoke!"] He was asking a question. He believed he was in order in asking a question. ["No, no!"] He really must appeal to the Chair.

MR. SPEAKER: The noble Lord is not strictly in order. On the question before the House the noble Lord is not entitled to make another speech, but he might put a question.

LORD DUDLEY STUART said, he had no intention to make another speech, or to ask another question, but to set the right hon. Chancellor of the Exchequer right, as he had misunderstood the question which he (Lord D. Stuart) had asked or meant to ask. He wished to know whether it was the intention of Her Majesty's Government to take any further step to obtain redress for the outrage committed on Mr. Mather or not?

The CHANCELLOR OF THE EXCHEQUER said, his answer to the very irregular inquiry of the noble Lord was, that the Government had placed on the table of the House all the papers relative to the subject, and that among those papers there was a despatch describing the ulterior steps which Her Majesty's Government were prepared to take with respect to that circumstance.

MR. MONCKTON MILNES believed the noble Lord's inquiry was a little premature. He had no doubt when the papers were on the table, and when the noble Lord's question was repeated, as he hoped it would be, that Her Majesty's Government would be able to give a most satisfactory answer, and that the answer of Lord Malmesbury to the Tuscan Government would be found to be most grateful to this country.

Subject dropped.

PASSENGERS' ACT AMENDMENT BILL.

Bill, as amended, considered.

MR. W. BROWN moved the following Clause:—

> "Provided always, that whenever the owner, charterer, captain, or consignee of the ship shall be dissatisfied with the decision of the Emigration Officer, in any matter in which such decision is rendered authoritative by the provisions of this Act, then, and in every such case, it shall be lawful for the owner, charterer, captain, or consignee to apply to two Justices of the Peace having jurisdiction in the Port; and such Justices, or one of them, shall, by order, under their or his hand, appoint two disinterested persons, having acquaintance with the subject matter in which such decision may have been given, to hear the appeal of the owner, charterer, captain, or consignee, against such decision; and such two persons shall return their determination upon such appeal in answer to such order, and upon such determination the Justices or Justice shall make such order as to them or him shall in the premises seem meet, and such order shall be final and conclusive."

He said, he should have been the last man in the world to propose such a proviso if it interfered at all with the comfort or the safety of passengers. He did not find fault with the enactment that the emigration officers should examine into the various matters connected with the regulation of passenger vessels; but if the owner or the master found himself aggrieved by their decision, on any point, he ought to have the right of appeal; the loss of time and consequent expense that would arise from it, would be too serious a matter ever to be resorted to, except in cases of great hardship. Was it right to intrust to any individual, without appeal to some competent tribunal, a power which might be abused from caprice, ignorance, or vindictiveness, and add to the burdens which the shipowner now laboured under? He might be told that the shipowners may bring their case before the Emigration Commissioners in London, by whom, he must say, he had always been treated with the greatest courtesy when he had occasion to call on them; but suppose a complaint be made, the agent states his own case and defends himself. Being an appointment of the Commissioners, they are not likely, if they can help it, to condemn their own judgment in the selection of their servant, when the shipowner may be unknown to them, and his representations would, of course, have less weight. An appeal to London from the outports, considering the loss of time and expense it would incur, with the chance of missing wind and tide, would make the remedy, in many cases, worse than the disease. The Emigration Commissioners having great power, it was natural that they were not willing to relinquish it, and there was no doubt but that the right hon. Baronet consulted them on these matters. It was said much of the present Bill was not a new enactment, and that there had been no complaints against it. The former was true, and equally true that there had been many abuses of power under it; but, as there was no proper court of appeal, the parties had to submit, and it was a reason for not re-enacting those clauses. As he (Mr. W. Brown) considered it right and due to the country, and not ultimately injurious to the shipping interest, to vote for the repeal of the Navigation Laws, he considered he was equally bound, as far as he could, to aid in removing all unnecessary burdens from their shoulders to enable them to compete with their foreign rivals. It was extremely hard on them that there were some clauses in this Bill which you cannot enforce against foreigners, but you always can against British owners. He did expect those Gentlemen on the opposite side of the House, who had called out so lustily for protection to the British shipping interest, would vote for the proviso he had submitted to their consideration. The agent must have a universality of talent, which few men possess; he must be a judge of the beams, the decks, and of the berths, and the best means of separating the sexes. He must be a judge of the sufficiency of the hospitals, and of the conveniencies that are necessary to relieve nature, and of lights and ventilation, which men of science cannot efficiently accomplish. He is to determine what boats, life-buoys, fire-engines, and night-signals are necessary. The manning of the ship is subject to his dictum. The quantity and quality of provisions and water for passengers are to be determined by him; he is to survey the crew; he is to regulate the stowage of the cargo and stores; he must have the knowledge of a cooper, to judge of the sufficiency of the water casks or tanks; he is to see what stewards, cooks, and cooking apparatus are sufficient. When foreigners embark as passengers, he must be a linguist, to be able to judge whether the ships must take interpreters. He is to be the judge of the qualifications of medical men, and he ought to have the knowledge of a chemist, as he decides upon the quantity and quality of medicines, of the surgical instruments necessary, and the quantity of disinfecting fluid that passenger ships must carry. No man could possess all that knowledge, however clever he might be; and it was only in the event of capriciously abusing his power, either from ignorance or vindictiveness, that an appeal ever would be made. It did so happen, that, as there would not be time to appeal to London in all cases, when a passenger from any cause thinks he is entitled to the return of his passage money, he may bring the case before the magistrates. And to show how power can be abused, even by a person who was represented to him as a captain in the Royal Navy, Captain Brownrigg, it appeared that a passenger of the name of M'Kay claimed his passage money back from an agent, Mr. Hunter, and to sustain that claim, Captain Brownrigg was his witness. The case came before the sheriff at Greenock, and was dismissed as frivolous and vexatious; but Captain Brownrigg could not forget his defeat by Mr. Hunter, and another opportunity offered to show his vindictiveness. He summoned Mr. Hunter before the magistrates, at Glasgow, for some alleged irregularity. There were three on the bench. They considered Captain Brownrigg's conduct so improper that they made him pay Mr. Hunter's costs. Clothed with a little brief authority, although this gentleman resides at Greenock, if he get angry with the master or agent of a vessel, he will not receive a notice of his services being wanted at Greenock, but insists on the party giving notice at his office in Glasgow, which causes unnecessary delay, which he (Mr. W. Brown) hoped would prove to the House that the discretion of agents is not always to be trusted. In addition to the burdens which the shipping interest already bear, which he would briefly state, they were adding others; not only the foregoing, but Lord Campbell's Act, as it is called, which leaves the owners of steam or other vessels liable for any losses that might arise to passengers who have an action for damages against them in the event of the vessel on board of which they are being run down by them at sea; and if a steamboat be going more than five or six miles an hour, it would be taken as an evidence of carelessness, when, in dark nights and fogs, they can hardly see the stem from the stern of the ship. Mr. M'Iver, Messrs. Cunard's partner, told the right hon. Gentleman the President of the Board of Trade, that he had sold his interest out of forty steam vessels, for an accident, which the owners could not control, might ruin a rich shipowner. He had an action brought against him for an unavoidable accident of this kind, and compromised it. This Act was a new and recent burden. The old ones were, excessive lighthouse dues; pilotage where the mate and master were competent to the charge of the vessel; consul fees abroad; the manning clause, which was considered one of great hardship, as other nations were under no such restrictions; desertion from merchant vessels to ships of war: although the sailors violated their contract, the captain was obliged to pay their wages up to the day, and allow them to take their clothes. The timber duties and other minor matters were certainly great grievances, and no less so were the heavy salvage charges claimed and paid by British shipowners to men-of-war for rendering them assistance in distress, which ought to be rendered by national vessels for a very moderate charge. He (Mr. Brown) hoped he had made a sufficient case to induce the House to accept his proviso.

Sir JOHN PAKINGTON said, this Bill was to consolidate and amend the laws with regard to the conveyance of emigrants, and was brought in at the recommendation of a Committee which sat last year. In the previous Acts there was no such appeal as that proposed by the hon. Member at the instance of the shipowners of Liverpool. The Committee to which he alluded recommended no such appeal, and, what was more, there had never been any complaint as to the want of this appeal. The present was not a moment, when emigration was so much increased and increasing, to do away with any of those securities which existed for the preservation of life among passengers by emigrant vessels. He would rather abandon this Bill than consent to the proviso which would destroy the object contemplated by the measure.

Mr. W. BROWN said, it was impossible than an emigration officer could be a competent judge of all the miscellaneous subjects which he was required to examine into in the course of his inspection of a ship; but if he were of a vindictive disposition he had the power of harassing the owner or the captain of a ship in a manner against which they ought to be protected. It was exceedingly hard that such a power should be vested in any individual without an appeal being allowed to some tribunal unconected with the accused; and it was, therefore, to provide such a check that he brought forward this Amendment.

Mr. FORSTER said, he should support the clause, and knew not on what ground the power of appeal could be refused.

Mr. HENLEY said, that this clause had been brought forward for the most extraordinary reason, because the hon. Member for South Lancashire (Mr. W. Brown) had not stated a single case of hardship that had occurred under the existing law. The Amendment, he believed, instead of being advantageous to the shipping interest, would be most detrimental to it. He was satisfied that the only effect of this clause would be that both Justices and Shipmasters would be landed in the Queen's Bench upon such a simple question as whether a cask of biscuit was good or bad. He was satisfied that the Government officer was as likely to be as impartial as any Justices.

Mr. ALEXANDER HASTIE denied that only one case of hardship had occurred under the present system. He knew many himself, which he was only prevented from detailing by the late hour of the night. He hoped the Bill would not be allowed to pass without this clause.

Clause *brought up*, and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided*:—Ayes 25; Noes 73: Majority 48.

Amendment made: Bill to be read 3° on Monday next.

CORRUPT PRACTICES AT ELECTIONS (No. 2) BILL.

Order for Second Reading read.

Mr. CHISHOLM ANSTEY moved the Second Reading of this Bill, which he said contained only two clauses—the one being to give County Courts jurisdiction in actions for bribery penalties, and the other to enable any Royal Commission, in case of corrupt practices being proved against any particular district, to inflict exemplary punishment upon it; and also to make the guilty parties pay the costs.

Mr. ADDERLEY said, that so important a measure ought not to be discussed at that late hour. He moved that the debate should be adjourned.

Mr. KEOGH said, that the hon. Gentleman (Mr. Adderley) had recently proposed a very important Bill at a much later hour. He had been there since twelve in the morning to half-past one at night. Now, what did the Government think about the proposed adjournment? If they thought it too late an hour then to proceed with public business, he should support the Motion for adjournment. He was the more anxious to obtain their opinion because he had been unable to learn from the right hon. and learned Gentleman the Attorney General for Ireland at what hour he should think it too late to bring on two important measures regarding Ireland, which were not only at the bottom of the list of Orders of the Day, but also some three or four down the Notices of Motion. The right hon. and learned Gentleman had kept the Irish Members till that hour because he could not make up his mind at what period of the evening it was too late to proceed with such measures.

The CHANCELLOR OF THE EXCHEQUER thought there could be no strict rule laid down on a subject like this, as it depended on the circumstances of the Session, and other considerations of that kind. In the present state of Parliament, they must not be very nice as to their hours, and must sit up later than at ordinary times. The Government had already passed over several of their measures that night without advancing them a stage, on account of the lateness of the hour, and had indeed brought forward no subject that would lead to discussion. The hon. and learned Member for Youghal (Mr. C. Anstey) had, however, moved the adoption of a measure which was sure to provoke debate, and he certainly thought it unreasonable in him to press it. At the same time, he could not pledge himself that next week he might not, at a late hour, bring forward Government measures; though he would not do so if he found that it was not agreeable to the wishes of the House.

Debate *adjourned* till *Monday* next.

SAVINGS BANKS (IRELAND) BILL.

Bill read 2°.

MR. NAPIER said, he should now postpone till Monday next the notice he had given to move for leave to bring in Bills to continue the Act 11 & 12 *Vict.*, cap. 5, for a limited time, and to consolidate and amend the Whiteboy Acts and Acts against Unlawful Societies.

MR. KEOGH said, he should therefore move that the House do now adjourn, for he considered that they had been treated with very great discourtesy by hon. Gentlemen opposite. It being the intention of a number of Irish Gentlemen to oppose the continuance of the measure to be proposed by the right hon. and learned Attorney General for Ireland, they had asked him what hour he should consider too late for proceeding with the measure in question; they had been answered that no hour could be fixed as too late. They were decidedly opposed to proceeding with Irish business at half-past one or two o'clock in the morning. The right hon and learned Gentleman would neither expedite public business, nor carry out his views, nor contribute to the sustainment of his party, by treating Irish Members with discourtesy; for he would be met at every step he took by an opposition that would not yield to his suggestions. They would insist upon being treated with the same courtesy that was shown to every other Member, and would not allow him to proceed with business of that importance at that hour of the morning. He did not consider that these measures, even if necessary, ought to be entrusted to a provisional Administration.

MR. NAPIER said, one of the Bills of which he had given notice was to continue an Act at present in force for a limited time, and he was surprised when he heard that it was the intention of certain hon. Gentlemen to oppose its introduction. When he was asked if he would go on with the Motion that evening, he said it was his intention to do so at any hour the House permitted him; but when he heard afterwards the arrangements suggested by the right hon. Chancellor of the Exchequer, of course he felt that he should submit to the views taken by the leader of the House. With respect to the lecture of the hon. Gentleman (Mr. Keogh), he should only say that he would treat every person in that House as a Gentleman, and neither threats nor anything else should prevent him from doing his duty as a Gentleman and one of the Law Officers of the Crown.

MR. CHISHOLM ANSTEY said, the complaint against the right hon. and learned Attorney General for Ireland was, that he had informed Irish Members that he would bring on this business at any hour; but finding the Opposition benches tolerably filled, he now postponed it till Monday. That left the impression that the right hon. and learned Gentleman was fishing for a night when he might bring it on with no opposition, and that was not a seemly way of conducting business, especially Government business.

The CHANCELLOR OF THE EXCHEQUER said, there was no attempt at present to advance this Bill a stage; and he must say it was not to the honour of the House that their discussions should end every evening with an unseemly brawl. The disorder was become almost chronic. A great deal of time would be saved, and they would get on much better, if they went on with the transaction of business with good temper. The hon. and learned Member for Youghal seemed always prompt to introduce, not very agreeably, a good deal of temper into their discussions. The hon. and learned Member for Athlone (Mr. Keogh) might think he had some cause of complaint against his right hon. and learned Friend the Attorney General for Ireland; but he was under a misconception, for although his right hon. and learned Friend would be ready to proceed with his Bill, he must be regulated by the directions he (the Chancellor of the Exchequer) gave as to the manner in which the business of the House should be taken. He hoped, therefore, the hon. and learned Member would recall his Motion, as a vexatious one.

Mr. F. SCULLY said, that what they complained of was, that when an Irish Member asked when certain business would be brought forward, they did not receive an answer of yes or no. Irish Members had a right to complain that Irish questions were brought on at so late an hour. They ought to receive an assurance that no important Irish business should be brought forward at an unreasonable hour. If the right hon. and learned Gentleman had only told his (Mr. Scully's) hon. and learned Friend (Mr. Keogh), that this Bill would not be proceeded with, the Irish Members might have gone to bed long since.

The CHANCELLOR of the EXCHEQUER said, they were met there to do the business of the nation, and they could not have a distinction drawn between English and Irish business. It could not be said that Irish Members were to go home when English business was brought forward, or that English Members should go to bed when Irish business was brought on. They must bring on the business of the country at the best time they could. It was never his intention to bring on a question of this importance when a discussion could not be taken. The hon. and learned Gentleman shall have a full opportunity of discussing the Bill.

Mr. KEOGH: I told the noble Lord the Secretary for Ireland that I would oppose the Bill at every stage, and in every line.

Mr. SADLEIR said, he must admit that it was not only most inconvenient to attempt to press upon Parliament the consideration of important measures at an unreasonable hour, but most futile, and led to those unseemly brawls to which the right hon. Gentleman the Chancellor of the Exchequer had alluded; but the right hon. Gentleman had misunderstood his hon. Friend the Member for Tipperary (Mr. F. Scully). What his hon. Friend meant to say was, that there should be no distinction drawn between English and Irish business. No Government would press English measures at that most unreasonable hour of the morning (a quarter to two o'clock); but the practice had arisen with the late Government of pressing upon the consideration of the House Irish questions at a late hour, and they had always been obliged to yield after much temper and unpleasant discussion.

Lord NAAS did not think the hon. and learned Member for Athlone was in earnest when he said he would oppose the Bill in every stage, seeing that when the measure was introduced in 1847 by the then Home Secretary, the hon. and learned Gentleman had voted at every stage of the proceedings in favour of the measure.

Subject dropped.

The House adjourned at Two o'clock till *Monday* next.

HOUSE OF LORDS,

Saturday, June 5, 1852.

Their Lordships met; and, having transacted the business on the paper,

House adjourned till Monday.

HOUSE OF LORDS,

Monday, June 7, 1852.

Minutes.] Public Bills.—1ª General Board of Health; Turnpike Trusts Arrangements; Suitors in Chancery Relief.

3ª Metropolitan Building Act Further Amendment; Representative Peers for Scotland Act Amendment.

LAW OF EVIDENCE (SCOTLAND) BILL.

Lord LYNDHURST, on moving that the House be put into Committee on this Bill to-morrow said, that he wished to call the attention of their Lordships to this Bill. He had given notice to the noble Earl opposite that it was his intention to move an Amendment for the purpose of striking out certain words from that Bill, which was intended to assimilate the law of evidence in Scotland to that of England. Since he had given notice of that intention, he had had time to communicate with the law authorities in Scotland, and he found that, instead of objecting to the measure, they were inclined to accede to it. They desired, however, to have further evidence of the way in which the late alteration in the law of evidence had worked in England, and therefore wished that that part of the Bill which related to Scotland should not be pressed this Session; in that case they thought that they should be able to agree to the Bill in the next Session. He, therefore, should not press his Amendment.

Lord BROUGHAM approved of the postponement of the measure, and added that it would be a great mistake to suppose that there was any objection on the part either of the Bench or of the Bar of Scotland to the assimilation of the law of evidence in the two countries.

Lord CAMPBELL expressed his concurrence in this opinion.

Lord LYNDHURST had heard it said that, if this Bill were postponed this Session, it would be postponed for ten years. He did not think that such would be the case; for Mr. Moncreiff, the late Lord Advocate, had pledged himself to introduce a similar Bill next Session.

POOR RELIEF.

The **Earl of ELLESMERE** presented a petition from Inhabitants of Manchester praying for an alteration in the present system of poor relief, and for the introduction of a system of productive labour for paupers. The noble Earl read the petition as length, and said that it expressed the opinions which were largely entertained on the subject in one of the most important cities in the empire. He presented the petition out of respect to his neighbours, but did not wish it to be supposed that he was a supporter of its doctrines.

Lord MONTEAGLE said, that the question raised in this petition was one very popular with those who took only a one-sided view of the subject; but in his opinion nothing could be more injurious to the interests of the community than the course suggested by the petitioners. He objected to their plan of converting the poorhouses into a species of manufactories. It was most unjust to the honest and industrious and self-supporting labourer, whom it exposed to the most unfair competition with a set of paupers, who must at any rate be supported at the public expense. Such a system of supporting the poor in workhouses, hospitals, and asylums, had depreciated the rate of wages in this metropolis to a great, and, he might even say, an unnatural extent.

After a few words from the Earl of Donoughmore,

Petition was laid on the table.

RAILWAYS IN BRITISH NORTH AMERICA.

Earl GREY said, that in rising to ask the question of which he had given notice on this subject, he must ask permission of their Lordships to say a few words previously in the way of explanation. Their Lordships would, perhaps, remember that several years ago much interest was excited by a proposal to construct a railway between Halifax and Quebec. Some years ago, when the noble Earl opposite (the Earl of Derby) was Secretary of State for the Colonies, he received an application from our North American Colonies, proposing the construction of such a railway; and, in consequence, he directed certain officers of the Engineers to explore the country, and to report upon the line of railway which seemed most practicable. The report of those officers was received in 1848, when it became his (Earl Grey's) duty to transmit it to the Colonies affected by it; and in the spring of 1849 the Earl of Elgin, the Governor of Canada, sent back to him a resolution of the Executive Council of that province, proposing the execution of that great work on certain terms. The proposal of the Executive Council was a very liberal one, and he had no doubt that the two other Colonies, Nova Scotia and New Brunswick, would have concurred in it. But the adoption of it involved the expenditure of a large sum by this country; and at that time, looking at the state of the finances, it appeared not advisable that it should be accepted. With considerable reluctance it was therefore declined by Her Majesty's Government of that day. In the autumn of the next year, Sir John Harvey, the Lieutenant Governor of Nova Scotia, sent to this country Mr. Howe, a member of the Executive Council of that Colony, with whom he had several communications upon this matter. Mr. Howe proposed, on behalf of that Colony, that a loan of 800,000*l.* should be raised by the province, with the guarantee of this country, by which the colony would have been enabled to raise money at a lower rate of interest to execute the line on its own account. The assistance asked was the credit of England only, not an advance of her money. That proposal was considered by himself and his Colleagues in the Government as a reasonable proposal, and they subsequently acceded to it. In the March of last year, a notification was made to Lord Elgin and to the Governors of the Provinces of Nova Scotia and New Brunswick, that if those three colonies would provide among themselves a division of the expense, Her Majesty's Government would be prepared to recommend to Parliament the guarantee of a loan for that purpose. That guarantee would probably have saved the colonies 2½ per cent in the rate of interest. The provinces, if unassisted, would probably have had to raise the loan at an interest of 6 per cent, while with the guarantee of the British Government they would have been able to raise it at 3½ per cent. The despatches containing the decision of the Government were sent over in March, 1851. He ought to add, that in making that statement to the respective Governors of these three colonies, he had informed them that Her Majesty's Government would not insist that the line proposed by Major Robinson should be adopted; all that it would insist upon was that the line should pass entirely through the British territory, and that any deviation from what was recommended in the report should be submitted to the approval of Her Majesty's Government. Since that date various communications had taken place between the British Government and the colonies; and, within a few days of his retiring from office, he received a communication informing him that the three provinces of Canada, Nova Scotia, and New Brunswick had agreed to certain principles upon which the expense of constructing this great work should be divided among them; but that they required that a different line than that suggested by Major Robinson should be adopted. He was at the same time informed that Mr. Hincks, connected with the Council in Canada; Mr. Chandler, of New Brunswick; and Mr. Howe, of Nova Scotia; were about to be sent to this country to communicate with Her Majesty's Government, with a view to determine whether that course could be adopted. To this communication the answer returned by him (Earl Grey) was, that while he regretted that the line pointed out by Major Robinson had not been adopted by the Provinces, yet that Her Majesty's Government was quite prepared to consider how far the line then proposed by the local Legislatures could be sanctioned; and he certainly was very sanguine, from the information he then possessed, that the arrival of those gentleman in this country would have led to an arrangement for the construction of that great national work. The advantages of a railway communication between the three Provinces within the British territory was an object of the very highest national importance. It was a matter of paramount importance to connect those three Provinces with each other; and it was his belief that, if such a plan of communication should be finally rejected, the permanent maintenance of the connexion between those Provinces and the mother country would be rendered much more difficult and indeed hardly to be depended upon. It was with extreme disappointment, therefore, that he learned the nature of the answer which was reported to have been given in the other House of Parliament, that the communication between Her Majesty's present advisers and the gentlemen who had come over from the colonies had not led to a satisfactory result; and that not only had the proposal been rejected, but in a manner, judging from a letter which had appeared lately in the *Times* newspaper, that had given rise to feelings of very great irritation, and which had led to arrangements that made it highly improbable that at any future period that line of communication would be carried out. Now, this undertaking being one of such great importance, and judging from the answer of the Secretary of State for the Colonies that these communications had been brought to an end, he hoped the noble Earl opposite, the Under Secretary of State for the Colonies (the Earl of Desart), would be able to inform him whether the whole correspondence would be laid at an early date on their Lordships' table. It was a subject which deserved the attention of their Lordships, and he hoped it would be brought under discussion at the earliest possible moment.

The Earl of DERBY: Your Lordships and my noble Friend the Under Secretary for the Colonies will excuse me, as I have for many years taken considerable interest in the negotiations which have been carried on for making a line of railway through the British North American Provinces, if I rise to answer the question put by the noble Earl opposite; and which though addressed to my noble Friend, and belonging in some degree to his department of the Government, nevertheless involves matters, not only of colonial interest, but of interest to the Empire at large. The speech of the noble Earl contains what I may term two distinct charges against Her

Majesty's Government: the first with regard to the substance of the negotiations which have been broken off; the next as to the manner in which those negotiations have been broken off, and which, as the noble Earl implies, has been such as to cause unnecessary irritation, and has been highly offensive on the part of the Government. Now, I take the last part of the question first, because I certainly did read the letter to which the noble Earl has referred as appearing in the *Times* newspaper, the letter bearing date the 1st of May, from Mr. Hincks, and which was written immediately after an interview I had had with that gentleman. In that letter Mr. Hincks, the representative of the Canadian Government, complains of delay on the part of the Government, and that he was kept waiting for seven weeks without being able to get a definite answer upon the subject on which he was sent to this country to negotiate; that it was impossible for him to make much longer delay, and that he desired an answer by the 15th. With reference to the delay which occurred in arranging matters with the representatives of the Colonies, I have to state that it was made known to my right hon. Friend the Secretary for the Colonies, when Her Majesty's present Government came into office, that he would shortly have to receive a deputation from the North American provinces, consisting of Mr. Hincks, from Canada, Mr. Chandler, from New Brunswick, and Mr. Howe, from Nova Scotia, for the purpose of consulting the Government with regard to the arrangements agreed upon by the colonists for the formation of a line of railway connecting Halifax with New Brunswick. Mr. Hincks, the representative for Canada, arrived in this country on the 15th or 16th of March, and had frequent interviews with my right hon. Friend at the head of the Colonial Department. But Mr. Chandler, the representative of New Brunswick, had not then arrived, though he was expected by every successive packet; whilst Mr. Howe, the representative of Nova Scotia, had then not only not arrived, but he has not even now arrived, and it is very improbable that we shall see him at all. Mr. Chandler did not arrive until the 15th of April; but on the 20th of that month he had an interview—I am not sure that Mr. Hincks was with him—at the Colonial Office, with my noble Friend behind me—my right hon. Friend the Colonial Secretary not being able to see him on that day; and my noble Friend, who had then only recently come into office, avowed, I believe, to him that he was not very well informed with regard to the details of the question. Between the 20th and the 26th of the month I received a letter from Mr. Hincks, stating what had passed at the Colonial Office, and requesting me to see him on an early day. The memorandum which I made upon the letter, by way of instruction to my private secretary, was—

> "Give him an early appointment; the matter is one of very great importance. I wish, if possible, to see, together with Mr. Hincks, the representatives in this matter from New Brunswick and Nova Scotia."

In consequence, I saw Mr. Hincks and Mr. Chandler on the 30th of April, my right hon. Friend the Colonial Secretary being also present. It was then for the first time announced that the Legislatures of the different colonies had come to an agreement among themselves on the subject of the construction of the railway. Even at that period, it was within twenty-four hours only that we had received the Bills which had been passed by the Legislatures of Nova Scotia and New Brunswick; for when Mr. Hincks and Mr. Chandler made their first application, these Bills had not reached the Colonial Department. However, on the 30th of April, I saw those gentlemen, and then for the first time I learned that the intention of the Colonial Legislatures was to deviate very materially from the line always contemplated as the most desirable to be taken—that they proposed to deviate from it to such an extent that, though technically and literally in every respect within the British territory, yet for all practical purposes it might as well have been in the territory of the United States. In his despatch of the 20th of February, just before his retirement from office, the noble Earl (Earl Grey) stated in strong terms his objections to any line varying from that of Major Robinson being adopted, and said that that would be a circumstance which must weigh very materially upon the decision which the Government might come to upon the subject. I was, therefore, a little surprised, having stated to Mr. Chandler and Mr. Hincks when I saw them on the 30th of April, that I would examine the papers myself, bring the whole question under the immediate attention of the Government, and take the earliest opportunity of communicating to them its decision upon the subject—I say I was a little surprised at seeing in the paper that letter of Mr. Hincks to which the noble Earl adverts, and which was dated just twenty-four hours after that interview, May the 1st. In that letter Mr. Hicks says—

> "At the interview with which the Hon. Mr. Chandler, of New Brunswick, and myself were yesterday honoured by the Earl of Derby, we were given to understand by his Lordship that he would examine the various plans on the subject of the British American Railway, and that he would see us again after the arrival of Mr. Howe, of Nova Scotia. I left his Lordship in the confident hope that I should receive an early communication."

It was certainly my full intention that he should receive due intimation of the decision of the Government; but having had an interview with him on the 30th of April, at three o'clock in the afternoon, he could hardly suppose that I could give him such an intimation before the following morning, when this letter was written, complaining of delay:—

> "Observing, then," he goes on to say, "by the report in the *Times* of this morning of a conversation which took place last evening in the House of Commons, that it is not the intention of Her Majesty's Government to come to any decision without communicating information to the House, and apprehending that much delay may yet be contemplated, I feel that it is my duty, on the part of the Province whose interests are intrusted to my care, to explain frankly, but most respectfully, to Her Majesty's Government, that it will be quite impossible for Canada to continue any longer a negotiation which has already involved her in much expense and trouble, and which has materially retarded other arrangements which can be made for securing the construction of the most important sections of a great Canada trunk line of railway."

Now Mr. Hincks and Mr. Chandler left me at five o'clock on Thursday evening, in the confident expectation that they would receive an early communication from me, and that I would see them again together when Mr. Howe should have arrived; and that in the meantime I would go through the papers and communicate with my Colleagues upon the subject. Yet on the very following morning I received a letter in which these facts are stated, and these delays are complained of, and in which the declaration is made, that it is impossible longer to continue the negotiations. I ask your Lordships, then, to say, by which side you consider the obstructions to have been thrown in the way of these negotiations—whether on the part of the representative of Canada, or on the part of Her Majesty's Government? Mr. Hincks goes on to say—

> "I am anxious that Her Majesty's Government should understand most distinctly that I have not been sent to England as a humble suitor on the part of Canada for Imperial aid. Canada was invited by the Imperial Government to aid in the great national work under consideration; and I must be permitted to say that she has generously and patriotically responded to the invitation. Much time has unfortunately been lost, although not from any fault on the part of the Legislature or Government of Canada, and I, therefore, trust that my present final appeal to Her Majesty's Government will not be attributed to impatience, but to an anxious desire to promote the interests of my country. It seems to me far from improbable that, on some ground or other, this negotiation will prove a failure. If so, it is of the very highest importance to Canada that the fact should be known as soon as possible. I have reason to believe that I can effect arrangements on the spot with eminent capitalists to construct all the railroads necessary for Canada with our own unaided credit. I have likewise reason to know that the European line from Halifax to the frontier of Maine can be constructed by the unaided credit of Nova Scotia and New Brunswick. We cannot afford to lose the opportunity of effecting such an important object to us, which will afford communication between Halifax and the western frontier of Canada. I am convinced that Her Majesty's Government, if unable to meet our wishes by granting us the aid spontaneously offered by the late Government, would regret extremely that we should lose the opportunity of effecting other desirable arrangements; and that they will not deem me importunate or unreasonable in respectfully begging for an answer, after being delayed nearly seven weeks in England. I must leave this country by the steamer of the 22nd inst., and I cannot possibly effect the arrangements which must be carried out, whether the negotiation with Her Majesty's Government succeeds or fails, in less than a week. I therefore most respectfully request of you, Sir, that you may give me a final answer by the 15th inst.; and I must add, that if Her Majesty's Government are unable, either from want of time, or from the necessity of consulting Parliament, to come to a decision by that period, I must beg it to be understood that Canada withdraws from the present negotiation; and that I shall deem it my duty to enter into arrangements, which, if confirmed, as I believe they will be, by the Government and Legislature, will put it out of the power of the Province to negotiate on the present basis."

Now, my Lords, I have every respect for the representatives of New Brunswick, Nova Scotia, and Canada; but I must say that when a gentleman for the first time communicates to me an important plan on the 30th of April—a plan involving a guarantee on the part of this country for seven millions of money to be expended on a colonial railway, it is somewhat too much that that gentleman should say in the tone used in this letter, that if Her Majesty's Government felt themselves under the necessity, on such a subject, of consulting Parliament, and were therefore unable to give a categorical answer in the course of fourteen days, Canada would withdraw from an arrangement, from which Canada and the other British Provinces were to derive the greatest advantages at the risk of the expense falling on this country. Nevertheless, though I was surprised at the tone of this letter, I did not, on the part of the Government, defer for one moment the execution of the promise I had made to Mr. Hincks. I immediately went through the whole of the correspondence that had taken place upon the subject, and I certainly did, without delay, give it consideration with my Colleagues. The interview having taken place on the 30th of April, and having circulated the information amongst my Colleagues, I called a Cabinet meeting for the 8th of the following month, about a week after the interview with Mr. Hincks and Mr. Chandler, at which we fully and deliberately discussed the propositions which were put forward on the part of the Provincial Legislatures; and I must acknowledge, with great regret, though with a perfect conviction of the propriety of the course we took, that we did come to the conclusion that it was not for the advantage of this country that we should close with the proposition made by the Colonial Legislatures, inasmuch as they had in a great degree departed from and forgotten the principal and main advantages which led us in the first instance to consent to the measure. That decision was communicated to Mr. Hincks about the middle of the same month. After it was given, the Colonial Secretary found it necessary to write in the first place to the Governors of the different North American Provinces. He thought it the most respectful course to write despatches to them at first, and then to communicate the purport of those despatches to the agents whom they had sent to this country. In the meantime, namely, about the 12th of May, I received an application from a society which was desirous of engrafting a scheme of emigration upon the general railway for which it was known the colonial agents were negotiating with Her Majesty's Government. I received their letter on the 14th or 15th, and on the 15th I wrote an answer, and I thought I was not premature in saying that, from recent communication, great doubts had arisen whether the negotiations pending between the Government and the Colonial Legislatures were likely to lead to the construction of the railway in question; and I believe it did so happen, that Mr. Hincks and Mr. Chandler received the first intimation of the final decision of the Government in this circuitous way from the communication which was sent to the Emigration Society. Hence it is that these gentlemen think that they have been ill-treated. So far as personal disrespect is concerned, I am certain there was no intention of the sort on the part of my right hon. Friend the Colonial Secretary. Nothing could have been more attentive or courteous than the conduct of my right hon. Friend to those gentlemen during their stay in this country. He received them in his own house; he obtained invitations for them to the Palace, at Her Majesty's ball; he invited them to official dinners; and they were received by him upon the same terms as the Secretary of State would have received any accredited Minister from a foreign State. So far as personal offence was conceived, therefore, none whatever was intended—nothing could be further from the wish of Her Majesty's Government than to show discourtesy or want of attention towards these gentlemen. With regard to the substance of the negotiations, it is necessary to say a few words in justification of the course which, with great regret, the Government have been compelled to pursue. I see a noble Friend opposite, who knows as well as I do, that he and I were not only most anxious to secure this railway communication, but that we pressed it with some importunity upon the late Government, and that we were exceedingly anxious to see established such a line of communication, not only for colonial, but for the sake of great Imperial interests. I cannot help saying that the first arrangement adverted to by the noble Earl, namely, that the construction of this great line of railway should be intrusted to a company who would undertake its formation upon receiving pecuniary help from the Colonies, together with a concession of the waste land on either side of the railway, to be formed for commercial and Government purposes—I cannot help saying that I think that that was a far more satisfactory basis upon which to conduct a negotiation, than leaving to the local legislatures the execution of the work, excluding the advantages of emigration, and substituting for a definite pecuniary liability an indefinite liability in the shape of a guarantee for 7,000,000*l*. I do not mean to say, or to insinuate, that I believe the Colonial Legislatures would not have punctually redeemed any guarantee which the Government might have given to them; or that they would not have exerted themselves to their utmost ability to pay duly and satisfactorily the interest upon any sum of money that might be advanced for this work. But I believe the sum that would have been required would have pressed very hardly upon the revenues of New Brunswick, though Nova Scotia and Canada would have no difficulty in paying their share of the indemnity. Up to this time, however, nothing like a definite calculation has been made, not even a definite survey of the line has been taken; but I believe the smallest amount calculated upon would have more than absorbed the whole of the surplus revenue of New Brunswick for the payment of the interest alone. However, it was thought right, on the part of the Colonial Office and the noble Earl opposite, to sanction another arrangement, and I was disposed to agree in the proposition—namely, to leave the construction of the railway in the hands of the local Legislatures, to give the guarantee of the British Government for such a sum of money as might be thought sufficient for the purpose, and as the Provinces might be enabled to pledge sufficient security for, provided the great objects for which the railway was contemplated were likely to be secured, and the advantageous results, not only to the Colonies, but to this country, were likely to be realised. The noble Earl laid great stress on the necessity for carrying the line exclusively and entirely through the British territory, and he did not hesitate to say, that unless the line could be so completed, exclusively through the British territory, he should not consider himself justified in asking Parliament to give its sanction to a guarantee for the advance of money now. The deviation comtemplated from the original line is by no means a trifling one. Undoubtedly it might have been perfectly easy to find a line through the province of New Brunswick, not very remote from, and following generally, the line of Major Robinson, and no question could have been raised as to the right of the Legislature to deal with another line. But that which was of the greatest importance, more particularly with regard to emigration from this country, was to open through the rich, fertile, unoccupied lands of New Brunswick a large district of country for purposes of settlement and emigration:—the object was to open and provide for the cultivation and settlement of that country, so admirably adapted for those purposes; first of all, in a district so far from the frontier as that it should not be placed in danger in the event of friendly relations between the United States and this country not continuing to subsist; and next—which is not an immaterial collateral advantage—a line of railway not so far from the eastern coast as to debar easy and frequent communication with the important fishing establishments existing around and along the eastern coast of New Brunswick. Now the line of railway through Nova Scotia in any case is precisely the same. The line runs nearly due north from Halifax, traverses the Province of Nova Scotia, and the narrow neck of land which separates it from the Province of New Brunswick; therefore this line through Nova Scotia is common to the two schemes. Upon entering the Province of New Brunswick, the line turns nearly due west, with some slight inclination southward, and is continued along the whole width of the Province of New Brunswick until it reaches the United States boundary, where it is continued on to a line in the same direction to Portland, in the United States, from which there is now a line of railway into Canada. This line of communication is, therefore, the only one now in existence that passes through the United States to Canada; and it is clearly desirable to substitute for that line a line through New Brunswick. But so far as Upper Canada is concerned, there is no doubt that the line by Nova Scotia, and the valley of the St. John, would form the easiest communication, and it is one which the people of Upper Canada, as far as their own immediate interests are concerned, are rather desirous should be carried out. The line contemplated by Major Robinson, and which in all previous discussions has been assumed as the line of inter-colonial communication, continues in the northern direction from Halifax until it enters the province of New Brunswick, passing at no great distance from the sea, and then makes a sort of circuit through the eastern and northern parts of New Brunswick, and then falls into the line of the valley of the St. Lawrence, and takes a westerly direction to Quebec. But the line that is now contemplated by the Colonial Legislatures follows due westward to the very margin of the province—the same line as is actually proposed as the line of communication with the United States. And from thence it turns at right angles, and follows the valley of the St. John in a northerly direction until it reaches the Canadian provinces. Instead of its making a circuit to the northern and eastern coast, it makes two right angles—one to the west, passing the border of New Brunswick, and another passing to the north, along the valley of the St. John. It is true, no doubt, that by this line there would be a less extent of railway to be made than would be required by the former line; that is, if the line to the United States is to go on, of which there is no doubt, there would be a less extent of railway to be constructed, because a portion of the railway which would run along the southern side of the province of New Brunswick would be common to the two lines. But as to the whole length of the line—although no definite survey had been taken by the St. John line—I believe it will be found that that which we call the northern line, or Major Robinson's line, would not, in point of fact, involve a greater distance as between the cities of Halifax and Quebec, than the line passing up the valley of the St. John river. There can be no doubt but that, in a commercial point of view, there is a better prospect of greater advantage to be derived from the line which passes through the valley of the St. John; but, on the other hand, the very effect of passing along the line of the valley of the St. John would be to deprive us of the advantages of the former scheme, promoted by the railway company itself, of opening up new districts as has been proposed, for the cultivation of the land at either side, and to effect which not only the colonists themselves, but settlers from this country, would be invited—a cultivation that would add largely to the prosperity and improvement of the Provinces, and, combined with which, there would be that advantage already adverted to, namely, an easy communication with the coast, and the various fishery establishments on the coast of New Brunswick. Now, let us look to that line to which alone the representative of New Brunswick will consent, as the basis upon which this country is called upon to guarantee a large sum of money for its completion. That line of railway is, as I have stated, to pass along the valley of the St. John, and we must recollect that the whole length of the valley of the St. John runs within a few miles of the United States frontier. It is not pretended that any survey has been made by which it could be secured and promised to the country that the railway should pass even along the eastward or British side of the valley of the St. John, and that it should not pass along the westward or American side. If that, then, be the case—if the communication be along an open and undefended frontier of the United States—the question naturally arises, in the event of hostilities could it form a safe and easy communication with your own provinces, with the intervention of the rapid and difficult river of St. John? I want to know how such a railway in time of war, so far as military communication is in question, would differ in the slightest degree from a railway carried through American, and not through British territory? Another point for our consideration is this—that it passes, as I have already said, immediately along the frontier, and consequently, so far as a railway tends to improve the cultivation of the land and to open up the resources of a country, it will improve and open up not so much the British Provinces as the adjoining side of the United States; we should have no communication whatever with it on one — the west side, and on the other it would be cut off by the torrent of the river of St. John. Under these circumstances, and with the most earnest desire to effect those great objects which were contemplated by this communication between Halifax and Quebec—namely, the encouragement of emigration to the British Provinces, and the maintenance of an uninterrupted communication between them, free from the possibility of hostile interruptions, by passing exclusively through the British territory, I did not conceive, and my Colleagues in the Government concurred with me, that the project put forward on the part of New Brunswick was such a compliance with that which has always been considered as the Imperial object and main principle to be aimed at in such an undertaking, as to induce us to lend it our sanction. It is not our wish, of course, to throw any impediment in the way of it if the works be undertaken by the Colonies themselves; but in our opinion the project is not of so important and desirable a character as to justify us in involving ourselves in a guarantee of 7,000,000*l.*—and according to the existing estimates the sum may be indefinitely extended—and thus to be compelled to tax the Provinces to the utmost for the repayment of the advances sanctioned by this country—for certainly considerations of not the most agreeable character would be involved as between the mother country and the Colonies whenever the Colonies are made debtors to the mother country for the full amount they could command through the whole extent of their resources. I say, then, to undertake such a liability on the part of the Government without consulting Parliament, or communicating with it, or asking its assent to the proposition, and laying before it all the circumstances of the case, would be, in my judgment, most imprudent and impolitic. I think that this is a proposition which ought not to be assented to by Parliament, and will not be assented to, involving, as it does, our guarantee for the payment of so large a sum of money—a proposition, too, which comes before us deprived of those advantages which the original plan was calculated to hold out. I repeat, however, that much as I prefer the former scheme of a company undertaking this great railway, assisted with pecuniary aid from the Colonies, and applying the waste lands on each side of the line for the purpose of promoting immigration, I would not have hesitated to advise Parliament to sanction a guarantee for this large sum of money, provided the contemplated railway was likely to effect those objects which we are all so desirous of obtaining. But, conscientiously speaking, I do not think that those objects would be effected by the project that has been submitted to our consideration. I think, moreover, that the sanctioning of this line of railway, so far from promoting, would effectually prevent the completion of the other and more important object, and, perhaps, at no distant day; and consequently I did feel it my duty, in accordance with the opinions of my Colleagues in the Government, to acquaint the Governors of the North American Provinces that however reluctant I was—and it was with sincere reluctance that I interfered to prevent the arrangement being carried out—it was not possible for us to recommend to Parliament to sanction, or actively to assist, in the carrying out of that project which alone had been submitted to us, and in respect to which alone the representative of New Brunswick was prepared to enter into any communication with us. If in the course of making this communication, I have given any countenance to the idea that Her Majesty's Ministers are indifferent to or neglectful of the interests of the Provinces, no man would more sincerely regret it than myself; but we feel that we have a duty to perform—to see that the revenues of the country are not imperilled in a matter which was not fairly confined to British interests; and believing that the undertaking in question was one of that character, I felt compelled to withhold so large a guarantee as that which we have been asked for. As for the production of the papers, I have to inform the noble Earl that we have nothing to conceal. The whole of the correspondence will be laid upon the table, without any Motion on the subject, or, if the noble Earl is so disposed, he can, if he pleases, move for an Address to the Crown on the subject, to which I shall offer no opposition on the part of the Government.

EARL GREY wished to explain that he had not intended to bring any charge whatever against the Government. He had merely wished for information with respect to the grounds upon which the Government had rejected the plan proposed by the Provinces. He was utterly ignorant of what had passed between Her Majesty's Government and these gentlemen; but with respect to Mr. Hincks, he begged to say that, having had a great deal of communication with that gentleman, he had always found him a person singularly easy to communicate with, frank and straightforward in all his dealings, and with whom all his communications had been of the most satisfactory kind. He must also say that it was greatly to be regretted that, according to the noble Earl's own statement, two gentlemen occupying the station and possessing the weight with their fellow-countrymen which Mr. Hincks and Mr. Chandler did, should have learned the final decision of Government, not from the Government themselves, but from the officer of a private association—that person being, if he (Earl Grey) mistook not, a person very little entitled by his station in the commercial world to be the channel of communication between the Government and those gentlemen. If he was not mistaken, the person to whom he referred was a person against whom the Emigration Commissioners had felt it to be their duty two or three years ago to caution the public, to the effect that they should not listen to his schemes, as he had no adequate authority. He (Earl Grey) was quite aware that it could only have been by accident that this person had become the channel of communication; although it was greatly to be regretted that the communication had not been made to Mr. Hincks and Mr. Chandler by the Government themselves. With respect to the question immediately before them, he certainly did not intend (seeing the papers had not yet been laid on the table of the House) to go into the general discussion of it; but this much he might be permitted to say, that it appeared to him that what was really important was that a line of communication should be established between the Provinces in the British territories. He entirely concurred with the noble Earl, that the plan of Major Robinson was infinitely to be preferred in many respects to the line now suggested; but, on the other hand, when the Provinces were called upon to undertake a line enterely at their own cost and charge, and with no other assistance than the credit of this country, it was, he thought, but natural that they should prefer the line which was commercially best. He was inclined to believe, too, that the adoption this line would in the end lead to the construction of the other. The noble Earl had said that with respect to New Brunswick, its portion of the expense would absorb all its surplus revenue. He admitted that if the line should prove unproductive, the surplus revenue of New Brunswick would be entirely absorbed in paying the interest of the loan; but it was impossible to believe that the line preferred by the Provinces on commercial grounds would be unproductive. On the contrary, he believed that the direct produce of the railway would go far to meet the cost; and, looking to the nature of the colony, and to the resources from which its revenue was chiefly derived, and the increase of revenue from the outlay of British capital taking place there, he was persuaded that, taken directly and indirectly, the returns from the railway would more than cover the interest the Province would have to pay. He, therefore, could not help greatly regretting the decision to which the Government had come on the subject; and he would also take the liberty of saying, that that opinion was not now formed for the first time; because, on referring to the copy of a private letter which he had sent to Lord Elgin, on the 20th of February last, he found that he stated, that although he had not been in a position to consult his Colleagues, his own opinion was, that although Major Robinson's line was the best, yet it was infinitely better to take the line which the Provinces had been brought to agree upon, than that there should be no line whatever. No doubt the line now proposed would be far less secure in the event of a war, than Major Robinson's would be; and although with regard to any line which ran near the American frontier, there would, in time of war be considerable difficulty, still the line proposed by the Provinces would give them the advantage in the time of peace of an uncontrolled and unfettered communication both for their mails and troops, if they had occasion to send them, which was of some importance, without passing through a foreign territory; and he could only say he regretted that that object had not been attained. He begged to add that he did not intend to move an Address for the papers; but that he thought their Lordships would like to see them laid by command upon the table.

Earl FITZWILLIAM regretted that the course taken by Her Majesty's Government would postpone, if not entirely prevent, the construction of such a railway as had been proposed to be made. In all enterprises of this kind the Federal Government of the United States gave every encouragement to the undertakings of a particular State; and it appeared to him to be a matter of the greatest importance that the inhabitants of the British North American provinces should not be enabled, by the conduct of the mother country, to draw disadvantageous comparisons between the conduct of Great Britain towards her Colonies and the conduct of the Federal Government of the United States with respect to the undertakings of the several States. They must be aware that the question of the annexation of the British Provinces to the United States was now discussed in the British Provinces. He did not mean to say it was a question that was discussed in the Assembly of the Province, but it was a question on which private conversations took place; but whether it was discussed or not, it was desirable that the Government of this country should not afford an opportunity for the discussion of that question. He thought it was the best plan to adopt the line that was likely to promote the commerce of that country; for it was only by that means they could enlist the provincial authorities in favour of any line at all. He trusted that if any feeling of dissatisfaction had been excited in the minds of the deputies, the noble Earl would remove it, for they should be impressed with the conviction that it was really the desire of Her Majesty's Ministers to do everything they could do to establish those great lines of communication. He must say, that whether it was thought desirable that the undertaking should be effected by the Provinces themselves, as practical unities, or by companies with a guarantee from the Provincial Legislatures, to be sanctioned by the ultimate guarantee of this country, it was most desirable that they should not create a debtor and creditor account between the mother country and the Colonies; but if there was to be such an account, it should be between the Government of those Provinces in the first instance and private companies, and afterwards between the mother country and private companies.

Lord MONTEAGLE thought, considering the character of the deputation which had waited upon the Government, and that it possessed the confidence of the Colonial Governments and of the Colonial Legislatures, that the nature of the intercourse which had taken place, and the impression left with regard to it upon the deputies, was a matter of the very first importance in reference to their future transactions with these colonies. He trusted that the explanation which the noble Earl at the head of the Government had given so fully on the subject, would be, as he thought it ought to be, satisfactory to those gentlemen, and that it would completely remove from their minds any impression that might exist that disrespect or neglect of any kind had been intended towards them. He regretted deeply the tone of Mr. Hincks's letter. He thought that it was not warranted by the circumstances; and he trusted that that very able and excellent gentleman would see that it was inconsiderately and improperly written. With regard to the merits of the case, and to the advantages possessed by one route over the other, he believed that the deputation were as anxious as the noble Earl himself to preserve the integrity of the line by keeping it at as remote a distance from the American frontier as was consistent with engineering possibility—it was a question of degree, for do what they would they would still be exposed to the necessity of approaching the American frontier. So, at least, he had been informed, both by Mr. Chandler and Mr. Hincks. There was one part of the question which had not yet been alluded to, but which he regarded as of great interest and importance. Hitherto they had only discussed the question of the possible substitution of one of these lines for the other; but he believed that the effect of the determination of the Government would be, not to afford a chance of the execution of Major Robinson's line, but to make certain the opening, without any great delay, of a line directly over the American frontier, which would make the communication with Canada West entirely dependent upon a foreign Power. He believed, he said, that the rejection of the line proposed by the deputies at this time, would have a tendency at once to give effect to that Anglo-American line, which would give a direct communication between Montreal and Quebec, crossing a great portion of the United States territory, and exposed in a tenfold degree to all the objections which had been stated by the noble Earl to the line of the valley of the St. John, which would cost much less, and which would be as injurious to the question of British connexion as it must be to the trade and prosperity of the city of Halifax. He deplored the decision which the Government had arrived at; for he looked upon it as nothing short of miraculous, that, under the circumstances in which these Colonies were placed, they should have concurred in one common object, important to them, important to us, and which had been recommended from the days of Sir J. Kemp by every Governor down to the present time.

The Earl of DESART said, that when Her Majesty's Government were asked, not, indeed, for a loan, but for a guarantee upon seven millions of money, they felt that they had some right to inquire into the advantages which were expected to accrue not only to the Colonies, but to the Empire at large, from the carrying out of this railway. Looking first to the revenue of New Brunswick, they found that the whole surplus revenue of the province would be swallowed up in paying the interest of the loan. They felt bound to consider the various disadvantages which would be consequent upon the adoption of the line recommended as running along the valley of the St. John. Mr. Hincks had indeed endeavoured to obviate the objection which the Government had raised to this line in a military point of view; but he had never said it would be carried away from the American frontier, nor even that it might not be necessary to carry it along the west side of that river. Looking at these considerations, they felt it their duty to consider well the propriety of asking Parliament to come forward and give a guarantee to so large an amount on behalf of these capitalists. He thought it should also be remembered that at a meeting which was held in 1850 there was an anxious feeling shown on the part of the gentlemen representing the Provinces of New Brunswick and Nova Scotia in favour of the Quebec and Halifax line, and that that meeting was held at Portland, in the State of Maine. The Governor of Nova Scotia wrote home, stating that the feeling was very strongly in favour of that line, and that he wished Her Majesty's Government to send out a guarantee for that line. The Government, in reply, stated the obstacles which prevented their recommending to Parliament the support of such a line; but Mr. Howe then came over, negotiations were entered into, and eventually an understanding was come to as to the terms on which the Government would support a line of railway; but those terms were afterwards rejected in New Brunswick. He did not think that the guarantee of England should be asked for a line which seemed equally calculated to advance the interests of the United States as of Canada. The Government felt that they could not ask the House of Commons to give a guarantee to this large amount, unless they were in a position to state distinctly the advantages which it would confer upon the Canadas and the other North American Colonies; nor, if they had made such a request, did he believe that the House of Commons would have acceded to it.

The EARL of POWIS said, that so far as commercial advantages were concerned, a line through the United States had been proposed, which was better than either of the two which passed for the whole length through our own Colonies; and there could be no doubt that if one of these were not made, the colonists would no longer refuse to accede to those proposals from American capitalists which they had hitherto rejected, because they were unwilling to give American companies powers in Canada. The fact stated by the noble Earl (the Earl of Desart) that the interest alone of their share of the capital would absorb the whole surplus revenue of New Brunswick, showed that when the Colony assented to this line, they regarded the advantages to be derived from it as being very considerable. The Colonies in asking for a guarantee asked for the least possible assistance which would enable them to obtain their money at a reduced rate of interest. Though the noble Earl who spoke last had said that the United States would derive as much advantage as our own Colonies from the proposed line, he thought that would not be the case, for all the traffic, it must be recollected, must come over our line and to our ports. Every one who considered the hundreds of miles of railway which were being opened in the United States every year, must feel that the reluctance of this country to undertake this great commercial railway through Canada, must be a great blow to the colonists, and must, as he had already remarked, tend to make them look to those American capitalists who had already proffered their money, which they had hitherto refused simply from Imperial motives, and from a desire to keep the communication in English hands. With regard to the observations from the noble Earl on the cross-benches (Earl Fitzwilliam), with respect to the inexpediency of creating a debtor and creditor relation between ourselves and the colonists, he believed that the colonists would feel it a great boon to get an advantage of 2½ per cent on this guarantee, and that that would be quite equal to any sum that they could be asked to pay as a sinking fund to redeem their obligations. He hoped that at a future time we might be enabled to take steps in conjunction with these Colonies for the construction of a railway, and that it might not be thrown into the hands of a United States company.

THE CAPE OF GOOD HOPE.

The DUKE of NEWCASTLE said, that he wished to ask the noble Earl at the head of the Government a question which he would not, however, have put in the then thin state of the House, had he not felt that it was of great importance that it should not remain unanswered any longer. The subject was one with respect to which he had some time ago given the noble Earl notice of his intention to put a question to him—the constitution which it was proposed to give to the Cape of Good Hope. The noble Earl would not have forgotten that in the debate which took place last year upon the Motion which he then brought forward upon the subject, it was urged upon the noble Earl (Earl Grey) who then presided over the Colonial Office, that it was most important, with a view to the solution of the then existing difficulties, that legislation should take place in the Parliament of this country, and that the constitution for the Cape of Good Hope should be settled by an Act during the last Session. The noble Earl then at the head of the Colonial Office objected, however, to that course, and obtained the consent of Parliament to sending out draft ordinances to the colony, to be considered and adopted by the Legislative Council there, subject to the approbation of the Government at home, as the constitution of that colony. The noble Earl was, no doubt, aware that at the commencement of the discussions in the colony with reference to these ordinances, there was one of considerable importance relating to the amount of the franchise which should be fixed. It was proposed by one of the colonial officers—he believed, Mr. Porter, the Attorney General—that it should be fixed at *25l.*; and after some discussion and hesitation, that qualification was eventually adopted, he believed unanimously, but certainly by all those Members of the Legislature who, being the nominees of Government, might be considered as more peculiarly their representatives in the colony; and it was finally approved of by the Secretary of State in this country. The noble Earl by whom these draft ordinances were sent out embodied in them the proposal that the franchise should be fixed at *25l.* Upon the reformation of the new Legislative Council under the direction of the noble Earl, the draft ordinances were taken into consideration, and it was eventually proposed by Mr. Montagu, the Colonial Secretary, that the franchise should be fixed, not at *25l.*, but at double that amount, namely *50l.* This proposal was not only disapproved of by those who were more peculiarly the representatives of the colony in the Legislative Council, but also by the Attorney General of the colony, Mr. Porter; but it was eventually carried by the Colonial Secretary and the nominee members of the Legislative Council. Now, although he would not wish, on any account, to say anything to the disparagement of so able and enlightened a public servant as Mr. Montagu, he must say that the view taken by Mr. Porter was much more in accordance with the interests and wishes of the colony, and with all that had previouly passed on this subject. Notwithstanding, however, the opposition which was given to it, Mr. Montagu's proposition was carried; the franchise in the draft ordinance was altered from *25l.* to *50l.*, and now stood at that sum in the constitution, as sent home to this country for approbation. The noble Earl then at the head of the Colonial Office, under whose direction the draft ordinances were sent out—impressed, no doubt, by the prophecies of himself (the Duke of Newcastle) and others, with respect to the probable failure of the scheme, and the loss of time that it would entail, and anxiously desiring to prevent those evils—reserved to the Crown an unlimited power of altering any part of the proposed constitution which it might think fit, when the ordinances were returned to this country. He wished now to ask the noble Earl at the head of the Government whether they were prepared to exercise that power, so as to disallow the alteration of the franchise which had been made in the colony from *25l.* to *50l.*, and to reinstate the former sum which was originally proposed by the official gentlemen in the colony, which was approved of by the representatives of the colony, and eventually sanctioned by the Secretary of State in this country; or whether it was the intention of the Government to sanction the constitution as now framed with the franchise of double the amount originally proposed? He wished also to ask another question arising out of a discussion which had taken place a short time ago in the other House of Parliament with reference to the constitution of New Zealand. An alarm had been raised by the speech of the Colonial Secretary on that occasion that it was the intention of the Government to make a still further alteration in the proposed constitution of the Cape of Good Hope, and to substitute a nominee for an elective body as the upper chamber of that colony. He hoped, however, that this impression, which now prevailed, was not the true one, as such a change would not only delay the settlement of this important question, but would create an amount of dissatisfaction in the colony which would throw far into the shade that which had been caused by any previous events.

The Earl of DERBY said, that he thought the noble Duke had put this question to him under some misapprehension as to the facts of the case, and under the impression that the ordinances, as amended by the Legislative Council of the Cape of Good Hope, had been received in this country. Now that was not the case. The last mail brought an account of the debate which had taken place on the question of the *25l.* or *50l.* franchise, but the ordinances had not then passed the Council, as there still remained some formalities to be gone through. General Cathcart had then just arrived; and immediately on his arrival he wrote to Her Majesty's Government, requesting them to form no opinion, to come to no decision upon the subject, until he had had an opportunity of not only seeing the ordinances, but of forming an opinion from personal observation as to what was most advisable under the circumstances. He (the Earl of Derby) thought that in this country we should not be able to form a very accurate or sound opinion upon the relative merits of the *25l.* or *50l.* franchise. He was not aware of the precise division which took place in the Legislative Council with respect to the substitution of the one franchise for the other; but the Government had acted on the advice of General Cathcart to suspend their judgment entirely upon the proposed amendments until they should receive the ordinances in a formal manner, accompanied by his observations and advice upon the subject. A mail had arrived that morning from the Cape of Good Hope, and most likely brought despatches with the promised advice on the subject from General Cathcart. No time would be lost by Government in coming to a decision on the subject; for he admitted, after what had taken place, no further delay should be interposed. He had serious apprehensions as to the probable consequences of the establishment of constitutional government at the Cape of Good Hope; but there was now no possibility of recurring to the former system; and after the expectations that had been held out, and the promises that had been given, it was important that they should be carried out in the fullest spirit and with the least possible delay. With regard to the second question of the noble Duke, in reference to a supposed intention on the part of the Government to substitute a nominee for an elected upper chamber (as at present proposed) at the Cape of Good Hope, he might say that it was not the intention of the Government to introduce into the constitution any amendments except such as might be recommended by those to whom the draught ordinances had been referred.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 7, 1852.

MINUTES.] PUBLIC BILLS. — 1° Metropolitan Sewers; Appointment of Overseers.
3° Militia Bill; Passengers' Act Amendment.

WEST INDIAN DISTRESS—SUPPLY OF LABOUR.

On Order of the Day for bringing up the Report of Committee of Supply,

MR. BERNAL, seeing the right hon. the Secretary for the Colonies in his place, begged his attention to some observations he felt compelled to make on a subject in which he was personally and deeply interested, and which personal considerations—as not being a supporter of the present Government he was anxious not to do anything that would wear the appearance of unkindness or ill-will—had induced him hitherto to refrain from pressing. But really affairs in Jamaica were now looking so awfully ruinous, and prospects so mournfully distressing, that he, as a West India proprietor, did not know what to do. He held in his hand a letter from his agent, dated the 13th of May, relating to the distress existing in that island, in consequence of the deficient supply of labour, the results of which he would beg leave shortly to state to the House. He would not enter into any topics of party difference, nor any disputed grounds of policy, but would address himself simply to this one point—that point which was of the greatest magnitude to the Colonies—the want of labour and of men. The successive and calamitous dispensations of Providence—the ravages of the cholera last year, and of the small-pox this year, bade fair to deprive the colonists of the legitimate stock of labour to which they were entitled. He did not like to allude to this subject, or to matters of personal consideration; but, knowing the circumstances, he thought it better, by the statement of a few facts within his own knowledge, to confirm the truth of the representations which he felt it his duty to press on the consideration of the House, and the consideration, the efficient consideration, of his right hon. Friend the Secretary of State. Last year he was himself deprived, on his property in the north of the island of Jamaica, of 120 labourers out of the stock he had, by the cholera. That number actually perished by that dreadful visitation; and they were, as his agent informed him, the most efficient labourers in the district —and again this year the labourers were quite decimated by the small-pox, and his agent was now obliged to look on 14 or 15 hands as the whole supply of adult labour for the estate, the remainder being made up of children from 9 to 14 years of age, who were much more expensive and far less effective; and the agent added, in his communication, that he was now training up a gang of children which, with a few coolies, was all he had to depend upon for the future supply of labour; but he was consoled in some measure for being compelled to have recourse to the labour of children by the consideration that they were being trained up to habits of useful industry. Such was the state of things now going on, not only in his (Mr. Bernal's) immediate district in the north, but in all other parts of the island, and in others of the colonies; and unless they had some strong auxiliary support—he did not mean in the way of money—but by way of some efficient and ready remedial measures from the Home Government for the supply of labour, he could not see what help Jamaica had to look for, or from whence assistance was to be obtained in this her most calamitous and unfortunate situation; and he dared not shut his eyes to the possible issue—the risk and the danger that threatened. He wished not to cast the slightest disloyal tincture into his observations, but he did feel that the situation of our West Indian Islands was such that unless some remedy were introduced, a crisis was imminent. He made no charge against the present Ministry, as being the cause of the evils with which these colonies were afflicted; but the last and the previous Ministries he did accuse of great neglect in not foreseeing what must happen from the policy they adopted, and providing the necessary precautions for guarding against those very evils which had resulted. Either our Colonies were of use to us, or they were not; and if not, there should still be some feeling of kindly relationship for "auld langsyne" which should induce us to pay attention to the horrible complaints which reached this country from the West Indies by every monthly packet. He was not saying one word about the price of labour; they all knew that labour in Jamaica was excessively dear, and the fact he would state would show it: his agent informed him that he had paid since the 31st of January to the 13th of May, 1,000*l.* for farm labour on his (Mr. Bernal's) account, without taking into account salaries, ordinary agricultural expenses, and taxes. It was evident such a state of things could not last. He was quite aware, and they must all be aware, that there must be a halt soon; and, condensing his observations into the smallest compass, and without wishing to tinge them with one angry word, he would now ask his right hon. Friend whether he was prepared, on the part of the Government, to consider or initiate measures, or whether he felt himself in a condition to accept or confirm, or to combine in any efforts that might be thought of by others, for assisting the Island of Jamaica and our other colonies similarly situated, by providing for them an immediate and sufficient supply of labour?

SIR JOHN PAKINGTON: I was not in the least aware of the intention of my hon. Friend to make these observations upon this painful and deeply interesting subject. If I had known that he intended to call the attention of the House to the subject, I would have made myself better prepared with regard to details than I can possibly be under these circumstances—and would have made my answer more satisfactory. The subject being brought forward in an unexpected manner, I think my hon. Friend will feel that all I can do is to meet his observations by a general answer. But I must assure him, and assure the House, that I do not think there is any man in this House more painfully alive than I am to this distressed and exhausted condition of these colonies. My hon. Friend, I am sure, will not fail to recollect that this is a subject to which I had given attention long before I came into office; and my attention has been painfully kept alive by the representations I have constantly received since I have been in office; and at a very recent date I have had interviews with a body of delegates, gentlemen whom my hon. Friend well knows, who are now in this country in order to represent the state particularly of Jamaica; and both from those gentlemen and from private persons, owners of estates, I have constantly received the most painful representations of the distress existing in Jamaica, with explanation also of the particular causes of that distress to which my hon. Friend has adverted. So far as the dreadful ravages of the cholera and the present difficulties arising from smallpox are concerned, I am sure he will admit that these are visitations of Providence, and that as such, while they excite our sympathy and make us more anxious to afford relief if we can, they do not in any way touch the legislation or the policy of this country. But I have never shrunk from stating my opinion that, irrespective of these visitations of Providence, the great distress of our West India Colonies must be traced in a large degree to the policy that was adopted by this country in 1846. When we first came into office, it became, of course, a grave question for the consideration of the Government whether, under the peculiar circumstances of the present Session, we were justified in addressing ourselves to the consideration of that policy. My hon. Friend will remember, that on one of the very first days —I believe on the first day on which we took our seats in this House as a Government—it became my duty to explain the intentions of Her Majesty's Ministers; and that I then said that upon a careful consideration of the whole subject, we did not think we should be justified, under the peculiar circumstances of this Session, and looking to the position of the Government, in making the state of the West Indian Colonies, painful and bad as it is, an exception from the general rule which we had laid down for our conduct. But, though the alteration of the sugar duties, either by checking the descent of the foreign duty, or by lowering the duty upon colonial produce, is one subject which has of course been strongly pressed upon the consideration of Her Majesty's Ministers, and is a question to which we must hereafter address our serious consideration, my hon. Friend is aware that that is by no means the only remedy which has been pointed out, and he has himself in his observations this morning adverted to other subjects, which may be well taken into consideration. I hope, as far as I am concerned, my hon. Friend will bear in mind the overwhelming duties I have had to discharge. During the period that I have been in office, there have been the extraordinary state of affairs at the Cape of Good Hope, which necessarily engrosses a large portion of my attention—the Government and Constitution of New Zealand—the unprecedented addition to the labours of the Colonial Office, caused by the discoveries of gold in Australia—the question of railways in the North American Provinces; and, considering all this accumulation of heavy duties, I hope my hon. Friend will not think that I have been negligent or at all forgetful of the interest I have ever expressed in West Indian affairs, if up to this moment I have not been able to take any active steps upon the subject. To show him that I am not forgetful of the state of these colonies, I beg to say that three or four days ago I communicated with one of the senior clerks in the West Indian department of the Colonial Office, and told him that as soon as ever the immediate pressure of colonial business should be relaxed—as soon as I might have more leisure than the present state of business in this House affords me —I wished him to prepare all the necessary papers, that I might, without loss of time, direct my attention to two important subjects—the supply of labour, and the present state of the labour laws in these colonies. I have given directions already to have all the necessary information in preparation for me upon those two subjects; so that, whatever may be the ultimate policy of the Government with regard to the sugar duties, at all events I, as Secretary of State for the Colonies, may not lose a day beyond what I can possibly avoid in directing my anxious attention to the question whether I may be able to afford to those Colonies any relief upon these two subjects.

Report brought up:—Resolutions *reported.*

SUPPLY—CIVIL SERVICE.

House in Committee of Supply; Mr. Bernal in the Chair.

(1.) 10,000*l.*, New Zealand.

MR. W. WILLIAMS said, he was glad to observe that there was a reduction in this Vote as compared with previous years, and he hoped that they might look forward to a further and a considerable reduction next year. The charge of 600*l.* for the Bishop of New Zealand, and 590*l.* for chaplains and schools, he must, however, object to, on the ground that the people of this country ought not to be taxed for providing bishops and clergy for New Zealand, or any other Colony, and added, that unless a pledge were given that these items should not appear again, he should divide the Committee against them.

SIR JOHN PAKINGTON said, he was decidedly averse to giving any distinct pledge; but, seeing the reduction already made in the Vote, and that next year it would be further reduced, it was hoped, to 5,000*l.*, and that after that time probably no grant at all would be required on account of New Zealand, he would suggest that it would be hardly reasonable to divide against the amount now proposed.

MR. W. WILLIAMS said, that after the gratifying statement of the right hon. Gentleman, considering that the Vote was now reduced to 10,000*l.*, and would be only 5,000*l.*, after which no grant would be required, he would not press his Amendment.

Vote *ageed to;* as was also—

(2.) 986*l.*, Heligoland.

(3.) 9,474*l.*, Falkland Islands.

Mr. W. WILLIAMS said, he did not know how many of these islands there were, but seeing that the total number of inhabitants was about twenty-six, he thought the amount proposed was excessive. He admitted that the position of these islands would be an important one in the event of a war, and that it was necessary, therefore, to retain them; but he would suggest whether, by combining offices, it might not be done at less cost. He hoped to have an assurance from the right hon. Gentleman the Colonial Secretary that some considerable reduction would be made in this Vote in future years.

Sir JOHN PAKINGTON could not say that he was in a position to give any such assurance; but he would beg to call the hon. Gentleman's attention to the fact, that more than half the amount now asked for was for a debt due to the Admiralty for provisions and supplies landed at the islands.

Vote *agreed to;* as was also—

(4.) 14,083*l.*, Emigration.

(5.) 30,000*l.*, Captured Negroes.

Sir GEORGE PECHELL said, that this Vote related to a subject which had not been for some time past very popular with the country; but for his own part he had always supported the noble Lord (Viscount Palmerston) in endeavouring to secure the efficiency of the squadron on the coast of Africa. That noble Lord having left office, it was desirable to know whether the same active system was to be kept up as in his time. The only fault he (Sir G. Pechell) had to find during that noble Lord's tenure of office was, that vessels were sent out which were inefficient and unable to cope with the slavers, and had not the slightest chance of coming up with one in a chace. He considered that more encouragement was due to those engaged in such a service, and that more efficient vessels should be placed on the station.

Mr. STAFFORD said, he could assure the hon. and gallant Member that the present Board of Admiralty paid the strictest attention to the subject of the description of vessels proper to be sent upon the service referred to. With regard to the encouragement of the officers engaged in this service, no one could be more alive than himself to their risk and danger; the service in that quarter had unhappily been fatal to one who ought to be mentioned with special commendation—Commander Forbes. It was impossible to give any distinct pledge as to personal promotion, but the subject was one which was never lost sight of on the arrival of despatches from that coast, or in any arrangements made with a view to the suppression of the slave trade. Any supposition among foreign Powers that the retirement of the noble Lord (Viscount Palmerston) from the Foreign Office was meant on the part of England to denote that there was any hesitation, any indifference, as to the great question of the slave trade, was entirely unfounded. The Board of Admiralty still maintained their determination that the squadron should be kept in an efficient state, so as to repress the slave trade. All that had reached them since they came into office, had been on the whole of a satisfactory character; and he trusted that the Committee and the hon. and gallant Member would find that efficient vessels were employed; that due attention was paid to the promotion of officers in this service; and that the determination of the country to put down the nefarious traffic was supported as vigorously by this Board as by the former.

Sir GEORGE PECHELL said, he should be glad to know whether the same support was received from the United States and France as when the noble Lord the Member for Tiverton (Viscount Palmerston) was in office? It was understood that America had withdrawn one vessel, and although we had received some very valuable assistance from America, it was well known nothing could be more unfortunate to an officer in that service than to bring a slave prize either into New York or Boston.

Mr. STAFFORD said, the reports, on the whole, from Commodore Bruce were satisfactory in that respect.

Captain SCOBELL said, he must find fault with the scale of promotion of the officers engaged in the affair at Lagos, which he attributed to the accounts arriving just as the late Board were quitting office. He would refer more particularly to the large number of killed and wounded in proportion to the force engaged, to the gallant conduct displayed, and the sustained nature of the effort, and would suggest whether there might not be room here and there for further promotion.

Admiral STEWART said, the promotions underwent the most deliberate and the most liberal consideration. Whatever was the number of killed and wounded in comparison to the number engaged, he was convinced in no naval action on record had a more liberal promotion been given than in the affair at Lagos.

MR. STAFFORD said, the present Government had not found any marks of the haste which the hon. and gallant Member (Sir G. Pechell) alleged. There were marks of the greatest attention in every case which had occurred under the late Government, whether on the eve of their leaving office or previously.

CAPTAIN SCOBELL begged to explain that he did not charge the late Board of Admiralty with haste in the general management of naval affairs, but merely used the word in connexion with the news arriving just as the Admiralty were leaving office. He disclaimed having been requested by any individual to mention the subject. Upon gathering the facts of the case from the despatches and other sources, it struck him that two or three cases had escaped that notice which in justice they ought to have received.

LORD JOHN RUSSELL said, it gave him great pleasure to hear from the hon. Gentleman the Secretary to the Admiralty that it was their intention to keep up the slave squadron. If that squadron were kept up in the present state of efficiency, he had very little doubt that, in a few years, the slave trade would be entirely suppressed.

SIR GEORGE PECHELL thought very nearly the same amount of force would be demanded by the Liverpool merchants for the protection of trade on the coast of Africa if the attempts to suppress the slave trade were abandoned. The vessels engaged in the slave trade would become pirates, and our ships would be obliged to lie inside instead of outside the ports, which of itself would be a great disadvantage.

MR. HUTT said, the expense was 750,000*l.* a year, exclusive of the expenses under the head of non-effective services of the country.

Vote *agreed to;* as also—

(6.) 11,250*l.* Commission for Suppression of Traffic in Slaves.

(7.) 150,983*l.*, Consuls Abroad.

MR. W. WILLIAMS said, he objected to several of the items. They paid 750*l.* a year to the Consul at St. Petersburg, where they had an Ambassador and other highly-paid officials who could perform all the services that were required of a Consul. Then there was 1,000*l.* for the Consul at Warsaw, where he could have scarcely anything to do. The Consul at Boulogne received 400*l.* a year, besides fees for the ganting of passports. The Consul General for Austria received 1,000*l.* per annum, which was much too high, considering the limited extent of their commercial relations with the Austrian Empire. He was glad to find that their trade with Turkey was increasing, but he considered that there was nothing to justify the keeping up of thirty-four Consular establishments, many of which were in the interior of the country. The noble Lord the Member for Tiverton (Viscount Palmerston) had last year abolished the office of Consul General at Tripoli, by which 1,600*l.* a year was saved to the country. He perceived that the Consul Generals in South America were more highly paid than others. The Consul at Lima had 2,000*l.* a year. He should like to hear why they were so much more highly paid than the European Consuls.

LORD STANLEY said, that he was not in a position to answer all the questions which had been put to him by the hon. Gentleman. The reason why the South American Consul Generals were more highly paid than those in Europe was that in the majority of the South American States there was no resident Minister, and consequently that various diplomatic duties devolved on the Consular Agent. It was especially desirable that Government should have responsible persons who could keep them regularly informed of the course of public events in those remote countries, with which there was so little private communication. The salary to the Consul General at Tripoli had been taken into consideration, and reduced in amount no longer ago than last year. As to the Consul at Boulogne, since the reduction of the price of Foreign Office passports to 7*s.* 6*d.*, he believed there had been a vast increase in the number issued, and in consequence a corresponding diminution in the number of consular passports, which would reduce the fees to a very small amount. With regard to the general expenditure under this head, it had only increased 2,000*l.* over last year, and for that increase the present Government were not responsible; but he could assure the Committee that the whole question of Consular Expenditure should be minutely inquired into.

SIR GEORGE PECHELL said, he considered that Government might make more use of these Consuls. When the difficult question arose with respect to the Channel fisheries, it was suggested that three Commissioners should be appointed by England to meet three Commissioners appointed by France, and they were told probably one would be a captain in the Navy, another an admiral, and the third a diplomatist; but the noble Lord the Member for Tiverton found an intelligent gentleman acting as our Consul at Brest, upon a salary of 300*l.* a year, to whom he entrusted the matter; in twelve months the treaty was concluded, and all the arrangements, except in one case, were highly satisfactory to all parties. That was a striking instance of the saving of expense by employing Consuls.

Viscount DUNCAN would admit that the noble Lord's (Lord Stanley's) statement was satisfactory, though he could not see why the Consul General at Lima was to have more than any other Consul General in any other part in the world. He wished to know why the Consul at Warsaw had such an unusually large salary as 1,000*l.* a year, when we had, besides, a very expensive diplomatic establishment in Russia.

Lord STANLEY could not explain why the Consul at Warsaw received that sum, but the Committee would remember that the remuneration of these officials must depend a great deal upon a variety of circumstances—on the nature of the localities where they were sent to reside, on the expense of living there, as compared with other places, the quantity of business done, the amount of fees, if any, appertaining to the office, and the degree of responsibility attendant upon the duties which had to be performed. The only rule that could be laid down was, that the sum fixed should be the lowest for which the services of a well-qualified person could be procured; and that was a rule which, in each instance, could only be tested by experience. It was, therefore, very difficult to say, offhand, why one Consul received more than another. The general duties, too, of British Consuls were well known to the Committee. He believed they were invaluable in affording information to the Government; they often performed diplomatic services; they attended to the claims of commercial men, and not only protected the property, but, as in a very recent instance, were often called upon to protect the lives of British subjects abroad.

Mr. CHISHOLM ANSTEY said, that there was included in this Vote a sum of 6,000*l.*, being a moiety of expenditure on account of chapels, chaplains, and burial-grounds. He wished to hear from the noble Lord an explanation of this item.

Lord STANLEY said, the practice of Government in this matter had been to help those who helped themselves. Wherever there was a small English community resident in any place to which a Consul was appointed, and who were willing to pay half the expenses of supporting a chaplain, it had been the general practice of the Government to pay the other half, subject to certain regulations which had been laid down.

Mr. BINGHAM BARING said, if the noble Lord (Viscount Duncan) who had spoken with regard to the consular establishment at Warsaw had ever visited that city, he would know that it was one of the most expensive capitals in Europe. He would also have learnt that this country had no better agent in the world than Colonel Duplat, and that the diplomatic business which that gentleman had to transact was of the greatest importance.

Mr. HINDLEY wished to know whether, in the event of any new appointments, the former salaries would be given as a matter of course, or whether the Government would pay regard to the nature of the duties to be performed?

Lord STANLEY said, he was not aware of any rule binding the Government to continue the old salary when they filled up a vacancy. The matter was, he believed, invariably left to their discretion. All he could say for the present Government was, that in any such case of a vacancy being filled up, they would consider whether a diminution of expenditure was possible, and make all such reductions as could be effected consistently with a due regard to the efficient performance of a very important part of the public service.

Captain SCOBELL said, he considered that he had reason to complain that the salary of the Consul at Buenos Ayres was proposed to be raised from 800*l.* to 1,500*l.*, the title being changed from "Consul" to "Consul General."

Lord STANLEY said, that in the alteration, instead of an increase, there had on the whole been a considerable reduction of expense. It was true that the increase of salary referred to had taken place, but that was in consequence of the diplomatic agent formerly resident at Buenos Ayres having been withdrawn, by which a saving had been effected which more than counterbalanced the augmented salary of the Consul General.

Mr. W. WILLIAMS objected to the expense of the establishment at Hong-Kong. The same individual received 3,000*l.* a year as Governor, and 3,000*l.* a year as Superintendent of trade. The secretary and registrar had 1,500*l.* a year, the assistant keeper of records 470*l.* a year; and there were three other assistants, the fourth receiving 270*l.* a year. The trade of Hong-Kong was contemptibly small in comparison with that of Canton, and yet, as Superintendent of it, the Governor received 3,000*l.* a year, while our Consul at Canton had only 1,800*l.* The whole charge for Hong-Kong was 7,399*l.*, for Canton 4,629*l.* Such a state of things was monstrous.

Lord STANLEY said, the apparent increase in the cost of the establishment at Hong-Kong was nominal, and not real, 3,000*l.* having been transferred from the Colonial to the Foreign department. There was, in fact, a reduction of about 400*l.* The hon. Gentleman had forgotten that the establishment at Canton was subordinate to that at Hong-Kong; and though he agreed with him that the trade of Hong-Kong was not comparable to that of Canton, yet he must observe that the Governor of the former had supervision of the whole, and that it was not fair to compare his salary with that of an officer who was actually serving under him.

Mr. W. WILLIAMS said, what he complained of was, that the Governor of Hong-Kong received 3,000*l.* as Superintendent of Trade, in addition to 3,000*l.* paid to him as Governor, while the Consul at Canton received only 1,800*l.*

Captain SCOBELL said, he thought this Vote should be postponed until after the discussion of the Motion of the hon. Member for Montrose (Mr. Hume) with regard to the Consular establishments generally. The Committee would remember that a division took place on this very item last year. A promise was then given that the matter should be reconsidered this year; and he hoped the present Government would consider whether it was really necessary that the Governor of Hong-Kong should have 6,000*l.* a year for performing the duties of his two offices.

Mr. G. W. HAMILTON said, if the hon. Member for Montrose had requested the postponement of the Vote, the Government would most probably have conceded his wish. The question, however, of the emoluments of the Consul at Hong-Kong was not raised by this Vote, which had reference only to the Superintendence of Trade.

Viscount DUNCAN would suggest that the Vote should be allowed to pass, with the understanding that the whole amount of salary to be paid to the Governor should be debated when the question of the cost of Consular Establishments generally came under consideration.

Mr. HINDLEY said, it might in that case be said that, having refused to give the party concerned 3,000*l.* as Superintendent of Trade, they could not refuse to give him the same amount as Governor.

Mr. G. W. HAMILTON would consent that the Vote should be passed on the understanding stated, and that no such argument as that just mentioned by the hon. Member for Ashton should be used on behalf of the Government.

Mr. W. WILLIAMS said, he still must contend that all the duties ought to be performed for 3,000*l.* a year.

Admiral STEWART said, he thought that the exceptions taken by Gentlemen "sitting at home at ease" to the salary of this or that Consul would come with much better effect and with a much better grace from merchants who had establishments on the spot. They might depend upon it that if a Consul did not do his duty, they would soon have plenty of complaints against him. They would never get good and efficient men to represent them abroad unless they paid them fairly. It was all very well to talk of the expense of Hong-Kong; but the climate of Hong-Kong was the most deadly one in the world to European constitutions, not excepting the coast of Africa, and it was besides a very expensive place to live at. The Chinese, too, were a most difficult people to deal with, and they could not have an efficient man to live there unless they paid him as they ought to do. As a sailor who had been in different parts of the world, he maintained that no money was better laid out than that which was paid to secure efficient, able, and honest Consuls. Why, at that moment, there were three revolutions in Central America; and without proper Consuls, how could the liberties and lives of British subjects be otherwise than in danger?

Captain SCOBELL said, however deadly the climate of Hong-Kong might be, it was clear that 6,000*l.* a year would not keep the Governor alive. As he observed last year, sailors and soldiers were obliged to serve in this deadly climate, and, he might add, that the subordinates of the establishment were as much exposed to it as the Governor, without being nearly so well paid.

Lord STANLEY said, it was impossible to obtain the services of persons so readily, or so cheaply, for an unhealthy climate as for a healthy one. As regarded the case of soldiers, the Committee were aware that soldiers in India received a much higher pay than soldiers at home.

Viscount EBRINGTON said, he was glad to hear such sound principles laid down by Members of Her Majesty's Government. He recollected a period when they joined hon. Members behind him in an attack on salaries and emoluments—and the effect of such conduct was, he believed, to injure very much the public service.

Viscount DUNCAN said, he would agree to the Vote on the understanding that the total amount of Consular salaries was to form the subject of discussion thereafter.

Vote *agreed to.*

(8.) 16,800*l.* Extraordinary Expenses, Missions Abroad.

Mr. CHISHOLM ANSTEY said, some of the items appeared to him to require explanation. He found that out of about thirty Embassies there were but just six which enjoyed the luxury of an allowance for chaplains and chapels; and it was some of the richest Embassies that were thus privileged. There was 300*l.* for Constantinople, and there were various amounts for Madrid, Oporto, Denmark, Sardinia, and Greece; and what was most remarkable was, that it appeared not to have been considered whether a particular country were Protestant or Roman Catholic. He should move to reduce the vote by 1,000*l.*, the amount proposed to be granted for chaplains, &c.

Lord STANLEY said, that he had already stated that the rule was to pay one-half the salary of a chaplain where the British residents paid the other half; or in some exceptional cases, such as Constantinople, where the British population were few in number, to appoint a chaplain to the Embassy.

Mr. CHISHOLM ANSTEY said, that the explanation given by the noble Lord was not satisfactory, because in some Roman Catholic cities, like Lisbon, where there was a very large and wealthy English population, the expense of a chaplain was paid out of the public funds.

Mr. W. WILLIAMS believed, that but for the chapel attached to the Embassy at Constantinople, English Protestants in that city would have no place for public worship.

Mr. CHISHOLM ANSTEY said, that neither in Vienna nor in Turin were the English residents numerous, and yet no chaplain was provided for the Embassies at those places.

Lord DUDLEY STUART said, he wished to call the attention of the Government to the subject of our mission to Tuscany. He was not going to enter into Mr. Mather's question, but he wished to state that he had been informed by a gentleman of the highest respectability who was in Florence at the time of the assault on Mr. Mather, that great dissatisfaction was felt by the residents at Florence with regard to the mode in which the business of the mission at that place was conducted. This gentleman stated that our *Chargé d'Affaires* at Florence had no place of business to which British subjects might resort, and that if he desired to see either the chief of the mission (Mr. Scarlett), or any one connected with it, it was necessary for him to go to Mr. Scarlett's country residence, which was at so great a distance from Florence as to render a vehicle necessary, and involve much expense and the loss of at least half a day.

Lord STANLEY could not at that moment give any opinion as to the statement of the noble Lord. All he could say was, that the matter would be inquired into. It was of the utmost importance that British subjects resident in any city abroad should have constant and immediate access to their Ministers.

Sir BENJAMIN HALL said, that he could, from his own experience, concur in the remarks of his noble Friend. He had himself been put to considerable inconvenience at Turin by having to wait several days before he could obtain a renewal of his passport, from the want of some better system than that which existed at our Embassy there. He believed that a notice had been given by the Secretary of State for Foreign Affairs that would prevent the recurrence of such complaints as those referred to.

The CHANCELLOR of the EXCHEQUER said, that a circular had recently been issued by the noble Lord at the head of the Foreign Office, which would render it impossible for Her Majesty's subjects in future to suffer any inconvenience on the subject of passports. That circular required that somebody should always be in attendance at every mission, to provide for the passport service. With regard to the statement made by the noble Lord (Lord D. Stuart), he would remind the Committee that one of the most distinguished members of the diplomacy of this country had very recently arrived at Florence, as Minister from this country.

Vote *agreed to.*

(9.) 135,359*l.* Superannuation and Retired Allowances.

VISCOUNT DUNCAN said, he wished to call attention to the return which had been laid on the table on this subject, from which it appeared that the whole amount for compensation and retired allowances in all the public offices on the 31st December, 1851, was 687,581*l.* It appeared to him that that was an enormous sum to pay for superannuations and allowances, and the more so as he understood that the half pay in the Military and Naval Establishments were not included in that amount. There were also certain discrepancies between the Votes and the Estimates, which he supposed had arisen from these allowances being stopped on their way to the Treasury. There had been, too, of late, a great increase of retiring allowances in the department of Woods and Forests, some of which required looking into. He would mention an instance in which two brothers, one forty-five and the other forty-three years of age, had large retiring allowances, after being in the public service respectively twenty-seven and twenty-seven and a half years; and thus, as in a vast number of other cases, it was shown that they had entered the public service at a very early age, and left it as superannuated when in the very prime of life. He observed also with regret that the sums payable for those superannuations were increasing from year to year, and he looked upon that as a serious public grievance.

MR. G. A. HAMILTON said, he was aware that there was no branch of the public service which more required watching than this; and he could state that his right hon. Friend the Chancellor of the Exchequer and the Treasury would give the utmost attention to it. There was an increase in the Vote, chiefly owing to the transfer of items formerly paid from the the Woods and Forests revenue, and the payment of compensation allowances on the abolition of offices at the Mint; but there was also the ordinary and legitimate increase by the addition of gentlemen who had earned their superannuation.

SIR B. HALL said, he was glad to perceive that the ages of the parties receiving these allowances were at present usually given in the public returns. But he regretted that that practice was not universally observed, and that the ages of the retiring clerks in the Mint were not published. Now, he happened himself to know that some of those gentlemen were still in the prime of life. It appeared, too, that some of the retiring clerks in the Woods and Forests, who were to receive large pensions, were persons between forty and fifty years of age, while they were succeeded by young nephews or other near relatives. He looked upon that as a very gross abuse.

MR. G. A. HAMILTON observed that the present Government had not admitted these, nor indeed more than one retirement, at the Woods and Forests.

SIR B. HALL thought that where offices were abolished, as at the Mint, the gentlemen should be employed in other departments.

VISCOUNT EBRINGTON said, that when he had been connected with the Government the practice had been adopted of making as much use as possible of the old clerks before younger men were appointed in their places. He should say that the appearance of the present list was anything but satisfactory.

MR. W. WILLIAMS said, that he saw in daily and nightly attendance in that House hon. Members who were much more advanced in years than nineteen out of twenty of the persons who were stated to have retired from our public offices from infirmity and old age. These allowances were full of abuses. There was one case, for instance, of a messenger to the First Lord of the Treasury retiring on account of ill health, on 360*l.* a year, who had received that sum for sixteen years. He did not complain of the payment of liberal salaries to the clerks in those offices, but he complained that many of them were very highly paid for doing little or nothing.

CAPTAIN SCOBELL said, he must enter his earnest protest against the practice of granting retiring allowances to men in the very prime of life. He believed there was no portion of the public service in which so many reductions of expenditure might be advantageously and properly effected as in the Votes then under their consideration.

LORD SEYMOUR said, that a difficulty

existed in dealing with the clerkships in the Office of the Woods and Forests. According to the practice which prevailed in that office, young men who entered it as copying clerks were entitled to be afterwards promoted by seniority. Now, under that arrangement, persons were raised from the subordinate offices for which they had first been engaged, to positions in which a superior order of talent was required, and for which they were not always found competent. The result was, that it became necessary that they should be superseded in order that they might make way for more efficient substitutes. In his opinion, it was desirable that copying clerks should not have a right to be promoted by seniority to higher offices, and if that right did not exist, a considerable sum might be saved in retiring allowances.

Vote *agreed to;* as were also the following:—

(10.) 3,219*l.* Toulonese and Corsican Emigrants, and others.

(11.) 2,000*l.* National Vaccine Establishment.

(12.) 325*l.* Refuge for the Destitute.

(13.) 4,300*l.* Polish Refugees and Distressed Spaniards.

On the Vote that 4,469*l.* be granted for Miscellaneous Charges formerly on the Civil List,

MR. CHISHOLM ANSTEY wished to know whether this grant was made for ecclesiastical purposes? If it was, he would oppose it.

MR. G. A. HAMILTON said, that the clergy in receipt of these pensions were refugees, and it was only in that character they received assistance.

MR. W. WILLIAMS said, he objected to an item; "The Bishop of Chester, for stipends to two preachers in Lancashire, 92*l.* 16*s.*" He did not understand the richest county in England coming before the public for such a miserable sum. He was quite sure it was high time it was done away with, and unless he had a very satisfactory assurance that it would not appear again in the Estimates, he should certainly divide the Committee upon it.

MR. CHISHOLM ANSTEY said, the item was one of an important list of items the omission of which he intended to press. But he wished to know whether the sum of 700*l.* to the poor French Refugee Clergy was paid to them as refugees or as Roman Catholic priests?

MR. G. A. HAMILTON replied that the allowances to the French refugees were made many years ago, some as far back as the time of the first French Revolution; and he believed they were made to them, not as clergy, but as French refugees.

MR. CHISHOLM ANSTEY said, it did not appear from the Estimates who these clergymen were, or why they received these allowances. He could not understand why, now that order was restored in France, and the blessings of a despotic Government, they should persist in living in a heretic and infidel country like England. If the item was in the slightest degree of an ecclesiastical character, it came within the range of his objections to all such Votes. There was another item of 89*l.* 9*s.*, "The Bishop of Sodor and Man—to be distributed among the incumbents and schoolmasters of the Isle of Man," which he wished to hear explained. Upon the item of 92*l.* 16*s.* for two preachers in Lancashire, he could give the hon. Member for Lambeth (Mr. W. Williams) some information. That sum was placed at the disposal of the Bishop of Chester, to pay two preachers against Popish recusants, at a time when the Crown took a great deal of trouble about Popish recusancy. It had now become a sinecure, as there were no Popish recusants to preach against; but whether it was the sinecure of the Bishop of Chester or not, he could not say. He should certainly object to the Vote, and divide the Committee upon it; but he should be very glad to hear—for the credit of the Bishop of Chester, for the credit of Parliament, and for the credit of the Crown—that some other duties had been found to which the sum had been applied. He should also object to another item in this Estimate, of 400*l.* to "the College of St. David's, Lampeter, in aid of the expenditure of the College, the net income of the livings annexed to the College, for the maintenance thereof, not at present exceeding 400*l.* in the year, and the expenditure considerably exceeding 950*l.*" It was a remarkable fact, that the same statement had been made ever since the year 1828, when the grant was first voted. The expenditure was the same, the deficiency was the same, the assets were the same, and the sum required was the same. The history of the case was not only the history of a disgraceful job, but of a fraud —a fraud of which it was impossible to acquit the gentlemen who came before the public in connexion with it. Formerly, in Wales, there were a number of grammar schools, at which the young men who afterwards became clergymen of the Established Church received their education, and, for various reasons, it was thought desirable to supersede those grammar schools by a College. Great efforts were made in the collection of funds for the purpose, throughout the whole of the Principality; and in 1827 the College was built and endowed, it might be truly said, out of the widow's mite. It was opened in 1828, and, by an Act of Parliament, George IV. placed at the disposal of the College the advowsons of six livings. In 1828, the authorities of the College came to Parliament for a grant of 400*l.*; for, although the six livings would have been ample to maintain the College, they were then occupied, and the revenue was insufficient for the purpose. Accordingly, Parliament granted the 400*l.*, with the express stipulation that that sum should be reduced as the livings fell in, and entirely cease when the income of the College equalled the expenditure. Every one of the livings had fallen in; but whilst all livings throughout England and Wales had vastly increased since the Tithe Commutation Act, these six livings had diminished in point of revenue. It was admitted that four of the livings produced respectively 170*l.*, 140*l.*, 110*l.*, and 130*l.*, or 550*l.* in all; and then with the bare statement—for accounts were refused—that the expenditure was more than 950*l.*, the authorities of the College came to Parliament, like fraudulent beggars, for the 400*l.* He was not using the words by way of invective; it was a fraud if the real amount of income was concealed, in order to obtain the annual sum of 400*l.* from Parliament. One of the largest of the two remaining livings was bestowed on the Rev. Henry Williams, who never held any official position in the College; and the other living, that of St. Peter's, Carmarthen, was given to Archdeacon Bevan, a non-resident member of the Board. When the hon. Member for Macclesfield (Mr. J. Williams) moved for a return on this subject, it was consented to provisionally by Ministers, who sent down to the heads of the College to know whether they would make out the return. They expressed their readiness to make the return in a form which was perfectly useless. As the leading Members of that House were averse to inquiry, and the Session was drawing to a close, his hon. Friend was obliged to forego any further explanation. Formerly the memorials for the grant sent to the Treasury were drawn in the name of the Principal of the College; but the responsibility of the statement, or mis-statement, was now divided between the Principal, the Vice-Principal, the Tutor, and the Visitor. These annual memorials certified that the revenues of the benefices annexed to the College did not exceed 550*l.*, and that the expenditure greatly exceeded that sum, and requested the usual grant. Upon that the item was set down in the Estimates without a syllable of explanation. He (Mr. C. Anstey) hoped Her Majesty's Ministers would not suppose he was reproaching them. He knew they occupied the post of a provisional Government, and this was one of the unpleasant inheritances from their predecessors. In the year 1828 the bishop certified that one of the livings had fallen in, so as to become a source of income to the College, and he estimated it at 370*l.* In the following year the second living fell in, which the same bishop estimated at 300*l.* a year; but when he came to state them together, he made the aggregate amount of the two, 400*l.* Two years afterwards he reduced the aggregate amount of the two livings from 400*l.* a year to 370*l.* In 1832 another living fell in, and three benefices, worth by the Calendar at least 800*l.* a year, were set down at 450*l.* In March, 1843, the present bishop countersigned the certificate that all the livings were under 500*l.* a year; and again the expenditure exceeded the amount by 450*l.* In the face of every other living throughout England and Wales being increased in value, these livings had unfortunately become depreciated in value at least cent per cent as fast as they fell in, and further diminished since the passing of the Tithe Commutation Act—a case which did not occur in any other living throughout England. He did not believe one syllable of these statements. He believed that it would be found on inquiry that the endowments of the College had been added to largely by private bounty, and that the receipts of the property, if duly administered, counted by thousands and not by hundreds. But the accounts which would show it were not presented; they were to this day refused; and the question was, whether they ought not to refuse a farthing more until they knew the truth. He should be sorry to do anything to check education in Wales—it was his wish to promote education; but he believed they would promote it by stopping this grant, which had a most mischievous effect, begetting a spirit of idleness, unthrift, and dishonesty in the management of the College. So far from the Welsh language being taught there, he understood the students lost the use of that portion of the Welsh language which they possessed previous to their entering the College. Many of the themes in the Welsh language sent to the bishop by the candidates for ordination were returned as most wretched performances; and in many cases the compositions which were approved were contributed by dissenting ministers, who were paid by the candidates of the Church of England to qualify them, in that way, to teach and instruct the people of Wales in their own language. He was also informed that the sermons which were preached by the clergy in the Welsh language, were composed by dissenting ministers, because the clergy were incompetent to do so themselves. Such being the effect of the system pursued in St. David's College, Lampeter, he felt the Committee ought to renounce being parties to profligate expenditure and wasteful management, and he should move that the Vote be reduced by 1,800*l.*

Mr. MORRIS said, he thought the hon. and learned Member opposed this small sum to the College of St. David's with a bad grace, when thousands upon thousands had been granted for the education of the priests of his (Mr. C. Anstey's) peculiar faith. The College was established to enable persons of the middle classes in Wales to receive a sound classical education. The Principal was a gentleman who had taken the highest classical honours at Oxford. The Vice-Principal was a gentleman of high literary attainments. The Bishop of St. David's was the Visitor; and those three persons must combine to carry on this fraud. Of course he (Mr. Morris) was not prepared to meet the statement of the hon. and learned Gentleman; but he submitted to the Committee it was most improbable a man in so dignified a station as the Bishop of St. David's would lend himself to so atrocious a misrepresentation.

Mr. DAVIES said, some of clergy who were educated at this College were ornaments to the Welsh Church, and most popular with the people, and better preachers could not be heard. He was astonished at the assertion of the hon. and learned Gentleman, which he begged to deny, that they were a set of idle, ignorant men, paying for sermons composed by other people. Instead of a vague and general charge, he should have given a particular instance, and then it could easily have been met. It was most inconvenient that charges should be brought forward without notice. [Mr. Anstey: I have given notice.] He (Mr. Davies) denied, *in toto*, that the authorities of the College had refused to make returns. The return asked for was of such a character it was impossible to give it; but the authorities had always expressed their readiness to make any reasonable return if they had the power of doing it. With regard to the statement that the accounts were "cooked," he was unable to make any answer; but they had a sufficient guarantee in the character of those who presided over the College. The College had done a great deal of good in improving the character of the clergy; and the hon. Member for Macclesfield (Mr. J. Williams) was so convinced of its advantages, that his only objection upon a previous occasion was as to the smallness of the sum proposed to be voted.

Mr. J. WILLIAMS said, the College was founded in 1827, for the avowed purpose of qualifying young men for the office of clergymen of the Established Church in Wales. It was built by private subscriptions, and by a grant from Parliament of 6,000*l.* A Royal Charter was given, and by Act of Parliament of George IV. six livings were appointed for its maintenance. From the year 1826, 400*l.* a year had been given by Parliament, making up a sum of upwards of 10,000*l.* for its support, exclusive of 6,000*l.* for the building. No return had ever been made from that time to this. There were constant complaints of want of money, and large sums had been given by benevolent individuals, who were ignorant of the means at the disposal of the College. He did not object to the grant if accounts were rendered; he should wish to make it 1,000*l.* instead of 400*l.*, and in no country would it be of more use for the purposes of education than in Wales. He could contradict the statement of the hon. and learned Member (Mr. C. Anstey), that the young men were unable to preach in their own language. Some of the most eminent clergymen in Wales were educated at this College. He knew six or seven young men who had studied there, and they would reflect credit on any other College in the Kingdom. The last living fell in in 1842, and was given to the Rev. Henry Williams, who never had been and was not now connected with the College.

The other five livings were respectively valued at 200*l.*, 244*l.*, 257*l.*, 329*l.*, 258*l.*, and 176*l.*, making a total of 1,364*l.* a year. He hoped, nevertheless, the hon. and learned Member for Youghal would not divide the Committee; but if the Amendment were pressed, he (Mr. J. Williams) should vote with him.

Mr. LOVEDEN said, as Member for Cardigan he thought it very singular that he had never heard of these abuses, which if they existed, must have reached his ears.

Mr. W. WILLIAMS said, perhaps the Committee were not aware that in the time of Henry VIII. all the rectorial tithes, especially of South Wales, were taken away from the Church, and given to laymen, to a College at Oxford, and in other ways diverted from the Church. The consequence was that the livings of the Church in Wales were always known as the poorest in the Kingdom, not on account of the country being poor, because if the Church in Wales had her due she would be as rich as any other part of the Church of England, and perfectly able to maintain herself. The greatest benefit had been conferred on the Church in Wales by the establishment of this College, and by the superior system of education pursued, which had elevated the character of the Welsh clergy. The hon. and learned Gentleman (Mr. C. Anstey) had denounced the heads of the College as fraudulent beggars. He (Mr. W. Williams) was not surprised as such an observation. The hon. and lerned Gentleman had denounced almost everything in any way connected with Protestantism. But, knowing the present Bishop of St. David's, and the Principal and Vice-Principal of the College, he would undertake to say more upright and more honest men were not to be found; and he would challenge the character of those gentlemen with the character of any persons connected with the hon. and learned Member's Church, beginning with the Pope, and concluding with the hon. and learned Member himself. The hon. and learned Member last year did not say a word against a vote of 600*l.* for the repairs of the College of Maynooth, nor did he urge any objection to a vote of 4,000*l.* or 5,000*l.* to the University of London, when he heard that Roman Catholics received the advantage of it. He wished to see this grant altogether abandoned, that the College of St. David's might be under no obligations to any one; but he trusted the Committee, after voting sums for Oxford and Cambridge, and for the Scotch and Irish Universities, would not on this occasion refuse this sum of 400*l.*

Sir GEORGE TYLER said, that the advantages diffused by means of those educated at St. David's were such that he only wished the grant were not so small.

Mr. G. A. HAMILTON hoped the hon. and learned Member would not insist on dividing; if he did, he should move that the Chairman report progress, and ask leave to sit again.

Mr. CHISHOLM ANSTEY said, he had on former occasions expressed his opinion unfavourably to voting money for Roman Catholic purposes, and if the hon. Member for Lambeth (Mr. W. Williams) was present when the 600*l.* for the repairs of Maynooth was discussed, he must have voted upon his (Mr. C. Anstey's) Motion to disallow it. He objected to all grants; and when the hon. Member for Macclesfield (Mr. J. Williams) talked of the good and sound education at this College, let him remember what his namesake the Archdeacon of Cardigan said—namely, that he conscientiously believed the institution at Lampeter had been a blight and a curse upon the Principality; that it was not deficient, but corrupt, in its educational operation. He (Mr. C. Anstey) would insist on dividing the Committee on the Question.

Mr. J. WILLIAMS explained that he had not defended the system of education, but merely said the young men could preach in the Welsh language.

House resumed:—Committee report progress.

POOR LAW BOARD.

Viscount DUNCAN said, that in the City Article of the *Times* of the 3rd of June the following paragraph appeared:—

> "It is a curious fact, illustrative of the way in which the official business of the Government is sometimes performed, that a check drawn by the Poor Law Board, and signed by Sir John Trollope (President), and Lord Courtenay (Secretary), was dishonoured to-day at the Bank of England. Its amount was 149*l.*, and the answer given to Messrs. Glyn and Co., by whom it was presented, was 'Not sufficient effects.'"

He thought that for the credit of the Poor Law Board some explanation should be given on this subject, and he begged to ask the right hon. President of the Board whether the statement in the *Times* was correct?

Sir JOHN TROLLOPE said, he should have no great difficulty in explaining the matter to which the noble Lord referred. The circumstance arose from mere inadvertence on the part of the accountant who transacted the monetary business of the Poor Law Board. The accounts of the auditors would be sent in very soon, and money had been voted by the House in the course of the Session; but the accountant had, by some oversight, omitted to make the usual application to the Treasury to transfer the amount to the account of the Poor Law Board. This was an error which he (Sir J. Trollope) would take good care should not happen again, for the check he had put upon the mode of paying the accounts rendered its recurrence impossible. He must say, however, that the officer who transacted the business of this department was a very old and valuable servant of the public, having been in the public service for about eighteen years without ever making a similar mistake; and he (Sir J. Trollope) really thought it was hardly worth while to trouble the House with such a subject. At all events he believed the House would agree with him that it was not a matter which called for the censure of that House upon Her Majesty's Government.

RAILWAYS IN BRITISH NORTH AMERICA.

Sir HARRY VERNEY wished to ask the Colonial Secretary whether the letter addressed to him on May 1, by the Hon. Mr. Hincks, and which was published in the *Times* of May 31, was authentic; and, if it was, whether he was able to give to the House any information or explanation of the circumstances under which it was written?

Sir JOHN PAKINGTON: I can assure the hon. Baronet who has put this question to me, that so far from having any objection to answer it, I feel greatly indebted to him for having afforded me an opportunity of giving the explanation he has requested. The letter to which the hon. Baronet has adverted, is founded entirely upon a mistake. I have no knowledge how that letter found its way into the public prints; and I must say I think I have reason to express at least surprise that such a letter, forming part of a series of correspondence, should have been inserted in the newspapers of this country without any of the documents that preceded or followed it. The natural result of the insertion of such a letter in the papers, without any explanation of what preceded or followed it, has been, that most erroneous inferences have been drawn, and that very wrong impressions have gained currency with regard to the circumstances which preceded and followed the writing of that letter. It appears to me that the complaints against the conduct of the Government are three in number. The first complaint is, that the deputation which came over to this country from Canada on the subject of the proposed railway, were left for seven weeks without any answer. It is next complained that when an answer was given, it was not communicated officially to the gentlemen who formed the deputation to this country, but was obtained by them through a private channel. The third complaint is, that the gentlemen who came here as a deputation from the Provinces of Canada and New Brunswick were not treated with that consideration and confidence to which their position in their own country entitled them. Now, if the House will favour me with their indulgence for a very few moments, I think I shall be able to show how far these complaints are well founded. With regard to the first complaint, that the gentlemen forming the deputation were left for seven weeks without an answer from the Government, I must beg permission to refer to dates. Mr. Hincks arrived in this country, as a delegate from Canada on this subject about the 16th of March. Directly after his arrival, I had several interviews with him relative to the proposed railways, and in those interviews he communicated to me the views of the Province of Canada. He also stated to me that he was one of a deputation of three gentlemen, and that the arrival of Mr. Chandler, from New Brunswick, and of Mr. Howe, from Nova Scotia, might be expected by the next packet. Under these circumstances, I considered—and I think the House will deem I was justified in considering—that the negotiation was not to be proceeded with until the deputation was complete; especially as Mr. Chandler and Mr. Howe were to bring with them from New Brunswick and Nova Scotia the Act that had been passed upon this subject by the Legislatures of those Colonies. I made frequent inquiries from time to time whether those gentlemen had arrived, and I was told that they had not yet reached England, but that they might be expected by the next packet. So things went on until the 20th of April, on which day Mr. Chandler called at the Colonial Office. I believe he had arrived some few days before, but I did not know it. Mr. Howe, however, had not arrived, and I ought here to mention that the two Acts of the Colonies did not arrive till the 28th of April. On the 26th of April a letter was written by Mr. Hincks to the noble Earl at the head of the Government, requesting an interview for himself and Mr. Chandler upon this subject. I think I can show the House how little the noble Earl (the Earl of Derby) was disposed to underrate the importance of this deputation, by reading to them the memorandum in the handwriting of the noble Earl at the back of Mr. Hincks's letter. It is—

> "Give him an early appointment. This matter is one of very great importance, but I should wish, if possible, to see, together with Mr. Hincks, the representatives in this matter of New Brunswick and Nova Scotia."

The noble Earl's Secretary made an appointment for the 30th of April, the first day on which he was able to see these gentlemen; and on that day the noble Earl received Mr. Hincks and Mr. Chandler; and at the request of my noble Friend I was present. At that interview the whole subject was talked over, and on the very next morning, the 1st of May, Mr. Hincks wrote the letter to which the hon. Baronet has referred, and in the early part of that letter Mr. Hincks says, alluding to the interview of the previous day—

> "I left his Lordship in the confident hope that I should receive an early communication of the intentions of Her Majesty's Government."

Mr. Hincks then goes on to say, that the arrival of Mr. Howe could have no effect on the question of route—the only one raised by Her Majesty's Government. Mr. Howe had not then arrived, and he did not come; and this letter of Mr. Hincks, of the 1st of May, was the first intimation I received that the two other Members of the deputation considered the presence of Mr. Howe unimportant to the negotiation. I immediately proceeded to act upon that intimation, and at the Cabinet Council held on the following Saturday the 8th of May—the matter having previously, of course, formed the subject of conversation among the Government—the whole question was formally brought before the Cabinet, was fully discussed, and was finally decided. I hope the statement I have made will prove that there was no pretext whatever for saying that the deputation was left without an answer from any fault of Her Majesty's Government. It has been complained that after the Cabinet had decided the question, no communication was made to the Gentlemen forming the deputation, but that they learned the decision of the Government incidentally through a private source. Now, owing to the great pressure of business—and I trust the House will make allowance for the enormous pressure of business that did occur in the office to which I have the honour to be attached—several days elapsed after the Cabinet Council arrived at their decision before I was at leisure to prepare a despatch on the subject. In consequence of that delay, and of subsequent delays after the despatch was draughted, the despatch was not finally written for sending until the 20th of May. I should say that Mr. Hincks had previously intimated his intention not to leave England until the 27th of May, and he did not go until a much later period. On the 20th of May the despatch was sent to the Governors of the three colonies of Canada, New Brunswick, and Nova Scotia; and on the same day, by my directions, official copies of that despatch were communicated to Mr. Hincks and Mr. Chandler. In the meantime I had made no communication, public or private, upon this subject to any party; and if either of these Gentlemen had indirectly ascertained the decision of the Government, I cannot say how they got the information. It certainly was not through any act of mine. I hope I have answered the second allegation. I now come to the third subject of complaint—that these gentlemen were not treated with the consideration to which their position entitled them. I should be extremely sorry if it should be thought that the Government were for a moment open to such an imputation. On the arrival of Mr. Hincks, I had several interviews with him, and I extended to him that courtesy and hospitality which I thought were due to his distinguished station in his own Province. I have been told that I ought to have resented his letter. There certainly are expressions in that letter which have the appearance of having been written under some feelings of irritation—expressions which I think are not borne out by the facts—expressions which I read with regret, and which I cannot help thinking Mr. Hincks must regret having used. But, Sir, I must say that, looking to the fact that the greater part of these letters were written in a tone perfectly respectful, I have no hesitation in avowing to the House my feeling, that if unconsciously and unintentionally, under the pressure of business, which really is sometimes almost overwhelming, I had—I am sure I am not aware that I had—been guilty of any omission towards these gentlemen, I thought it more consistent with my duty to the Queen, with my own office, and with the friendly relations which I hope will always subsist between the great colony of Canada and the mother country, that I should continue to act in the same spirit of courtesy as before, rather than go out of my way and take offence, or make any quarrel on the subject. That was the spirit in which I am disposed to act towards these gentlemen; but I would ask the House to recollect that Mr. Hincks was not the only person concerned. It would not be correct to draw any distinction between Mr. Chandler and Mr. Hincks; but Mr. Chandler has written no petulant letter. He is a gentleman distinguished by great ability, a man of high character, and one who, like Mr. Hincks, has, by the power of his own talent raised himself to the highest position in the colony. I most readily admit that these gentlemen were entitled to every consideration in this country at the hands of Her Majesty's Government, and my opinion is that they received it. I continued, to the close of their stay in this country, the same hospitality, the same courtesy, with which our intercourse commenced, and I had reason to believe they were deeply impressed by the gracious and spontaneous condescension they received at the hands of Her Majesty. At the close of their stay they called at the Colonial Office to take leave, and we parted on the most friendly terms, and certainly I had no reason to believe there was any offence taken on their part. I hope I have said enough to show that the allegation of delay on the part of the Government is unfounded, and that we were willing to treat these gentlemen with every due consideration. In offering this explanation, I have not touched on the policy of Her Majesty's Government with respect to the decision at which they arrived. The hon. Member's question did not refer to that decision, and I am sure the House will feel that the occasion of answering a question is not the proper moment of referring to such a subject. The answer given to these gentlemen was given on the responsibility of Her Majesty's Government; and whenever the proper moment arrives, I shall be prepared to vindicate my share in it.

THE CAPE OF GOOD HOPE.

MR. ADDERLEY rose to ask the Secretary of State for the Colonies whether the despatches just arrived from the Cape announced the passing of the constitution ordinances, including the alterations of the franchise against which the Attorney General protested; what information had been received relating to the rumoured advance of Prætorius against the Zoolus; and whether treaties were actually entered into with the Caffre chiefs for the termination of the war? The papers and letters just received were full of the importance of the expressions of Lord Derby last year, when he said in the debate on the Cape in the House of Lords—

> "I might have hesitated as to the introduction of so large a measure of representative government as is contemplated in the plan disclosed by these papers. But I say that, inasmuch as the question has been raised, and has been raised upon such high authority, and has obtained the sanction of so large a portion of the colonists, and the sanction of the Crown, I say that any risk is to be encountered, and I will not bate one jot of the extent of free institutions proposed to be conferred upon the colony, however much I may look with anxious apprehension to the working of these institutions—at all events in the first place."—[3 *Hansard*, cxviii. 717.]

He wished, also, to know if Government intended to carry out their legislation on the subject this Session?

SIR JOHN PAKINGTON said, that the question of which the hon. Member had given notice embraced three points, to which he had added a fourth, and, in replying, he (Sir J. Pakington) would take them *seriatim*. As the hon. Member had given notice of the question on Saturday, he presumed the hon. Member referred to the accounts which came over a week ago with Sir Harry Smith, and he might not be aware that a mail had arrived this morning. By the mail of a week ago he (Sir J. Pakington) had received a despatch from General Cathcart, stating that he had thought it to be his duty to pass the constitution ordinances with the alterations made by the Council; and, by the mail of this morning, he had received the ordinances themselves. As to the second question, he was very happy to be able to state that the rumoured advances of Prætorius against the Zoolus not only remained without foundation, but that by the mail this morning he had received the agreeable information that a convention had been agreed to between Prætorius and Her Majesty's Commissioners, and that peaceful relations had been established. As to the third question, whether treaties were entered into with the Kaffir chiefs, he regretted to say he had no information that they were; and he was afraid, from the despatches received from General Cathcart, there was no reason to believe there would be. With respect to the fourth question, he did not know till a week ago that the ordinances had been sanctioned by the new Governor, and, as the ordinances had only arrived this morning at the Colonial Office, he thought the hon. Member would admit it would be extremely premature for him to attempt to state now what were the intentions of Her Majesty's Government on this subject.

PRUSSIA AND NEUFCHATEL.

Lord JOHN RUSSELL asked of the Under Secretary for Foreign Affairs (Lord Stanley) whether any communications had been received by Her Majesty's Government respecting a recent Conference between the representatives of the great Powers of Europe, with reference to the claims of Prussia upon Neufchatel; and, secondly, if the noble Lord knew if there would be any objection to lay the papers on the table of the House?

Lord STANLEY: In answer to the question of the noble Lord, I have to state that a conference has been held, and a protocol signed by the representatives of the five Great European Powers, in reference to the rights of Prussia over Neufchatel. The existence of such rights, and their recognition by the Treaty of Vienna, cannot be disputed; and I must observe that it is not the least important feature of this transaction, that in it the territorial settlement of Europe, as arranged in that treaty, has, for the first time, been recognised by France under her present ruler. I may add, that no communication will, for the present, be addressed in consequence of the protocol in question, to the Government of Switzerland. With regard to the papers, I am afraid it will be impossible to lay them upon the table.

PUBLIC BUSINESS.

The CHANCELLOR of the EXCHEQUER: Mr. Speaker, I promised to state to-day to the House the views of Her Majesty's Government with respect to the business that is before the House, with the view of expediting its despatch. It was my intention originally to have selected this day to express those views. I thought that as soon after the holydays as practicable it would be desirable that we should come to some conclusion on this subject; but why I fixed on this day was that I thought the House would be indisposed to have the explanation of the views of Government made on the day of meeting, and that it would be more convenient, instead of taking the fag-end of the week, to select the first Monday after we assembled for business for that purpose. But if it had not been my intention to fix on this day, it would not have been possible for me to avoid the performance of this duty after the memorable appeal made by a right hon. Baronet the Member for Ripon (Sir James Graham) on the reassembling of the House. That right hon. Gentleman is one who necessarily and justly exercises a very great influence over the opinion of this House; and, though indeed he is listened to with great respect upon all subjects, on none is his opinion more regarded than on the conduct of public business. The statement of that right hon. Gentleman was calculated very much to arrest public attention, and to produce a very considerable effect upon the House, especially among those not very familiar with the details of the subjects upon which the right hon. Gentleman spoke. Certainly, he conveyed an impression to the House and to the country that the state of public business was extremely unsatisfactory; that there was a vast accumulation of business, with a very slender prospect of its being disposed of, and that if the termination of the present Session, which seems now pretty well agreed on, and which we are all anticipating, occurs at the time expected, there would be no possibility of dealing with the accumulation of business before the House, all of which, as the right hon. Gentleman very truly stated, was of a highly important and pressing character. The right hon. Gentleman said, on that occasion, that he felt deeply on the subject; that he viewed the present state of business with great apprehension; and that it was with no ordinary feelings of apprehension and upon no ordinary subject that he spoke—because it was not the mere reputation of this particular House which was at stake, in the opinion of the right hon. Gentleman—though the reputation of even this House, I think, must be dear to him—but (if I am not misrepresenting him) he went so far as to say that he really feared that if we did not take care we should bring representative government itself into disrepute. And, that there may be no mistake on the matter, I will quote the words which the right hon. Gentleman stated: what he feared was—

> "This assembly, which has been the great landmark of representative government and the great example of representative assemblies throughout the world, will be brought into disrepute;"

—because we should appear to the world to be unable to transact the public business. Now, Sir, it would be—it must be —a most serious state of affairs which could warrant such words from such a man. The right hon. Gentleman did not confine himself on that occasion—listened to as he was with becoming attention by the House,—to a mere general expression of the apprehensions under which he was suffering. He went into very great detail on the subject; he took a minute review of the state of the business before the House; he called the attention of the House to the various subjects before them, grouping the several Bills on all important matters in that clear and perspicuous manner which he always commands; and he laid down the *data* from which he drew the inference he communicated to us; and which, in his opinion, warranted the apprehensions he felt. Indeed, I read in a very great authority on the day following that it was evidently an herculean task to deal with the business before the House of Commons; and that even to form a catalogue of it, or to enumerate it in detail, required the colossal power of intellect for which we are all willing to give the right hon. Gentleman credit. Under these circumstances, I felt an unusual responsibility placed upon me in the position in which I stand, and for which I am every day more aware I am little qualified. I felt it was a terrible responsibility to incur, that under the guidance which I had been able to give to the business of the House, by the advice of my Colleagues, and assisted by the kindness of hon. Members on both sides of the House, I had brought public business not only to a standstill, but even to a perilous and disgraceful position. Well, Sir, under that feeling I have examined with all the assiduity the circumstances of the case required, the state of public business before us. Feeling that I am responsible for its general position, I have endeavoured to see if I could in some degree escape from the consequences of neglect of duty, or from the results of that incapacity with which, though the right hon. Gentleman was courteous enough not to charge me, he must have felt I was liable to be accused of. Under the challenge and appeal of the right hon. Gentleman, I will examine very briefly the business now before us, and the prospects I have ventured to form of the ultimate fate of all the Bills to which he referred. I will follow the order taken by the right hon. Gentleman, because it is now familiar to the House, and I do not think that any suggestion of mine would make it more clear. On the evening referred to, the right hon. Gentleman very particularly and very justly impressed on the House the importance of the Bills for legal reform which are before us—Bills probably inferior in importance to no business before the House, and which some may lament should have been brought forward under the circumstances in which the present House of Commons now meets. The right hon. Gentleman, on Thursday, called the attention of the House to three of these Bills: 1st, to the Common Law Procedure Amendment Bill; secondly, to the Equitable Jurisdiction Bill; and, thirdly, to the Bill for the Abolition of Masters in Chancery. The right hon. Gentleman said, to use his own phrase, and to pursue his own terse and expressive language, "Not one step has yet been taken in this House with regard to any one of these three Bills beyond their introduction." He expressed a hope on Thursday that I would on Monday be able to give some information on this subject; and I have now the pleasure of reminding the right hon. Gentleman that as to the Common Law Procedure Bill, the Equitable Jurisdiction Bill, and the Bill for the Abolition of Masters' Office in Chancery, with respect to which not one step had been taken, very important steps have been taken in the interval, and all three have been read a second time. But there were two other measures of legal reform beside those three to which the right hon. Gentleman first referred—the Suitors in Chancery Relief Bill, and the Bill respecting alterations in the Law of Wills. As the right hon. Gentleman—so great an authority upon all subjects, but on the subject of legal reform the very highest in this House —said on Thursday, it was impossible to exaggerate the magnitude, difficulty, and importance of those questions. Well, on this present Monday, I have the pleasure of informing the right hon. Gentleman that those two Bills, the magnitude, difficulty, and importance of which, to use his own language, could not be exaggerated, have entirely passed through this House. So much for these important Bills on legal reform: two of them having entirely passed the House of Commons, three of them having been read a second time, and no material opposition being anticipated to their progress, I think Her Majesty's Government are not arrogant or presumptuous in assuming that these five important measures for the reform of the law will pass the Legislature and become law without at all interfering with that termination of Parliament which is now so rife in every one's mouth. Well, the right hon. Gentleman then proceeded, with all the clearness which characterises his mature statements, to another important group of Bills which were still on the table—those which he described as Colonial Bills. On Thursday last, calling on me on Monday to give an account of the intentions of Her Majesty's Government, with that influence with became his position, he reminded the House of the New Zealand Bill, the importance of which was only equalled by the number of its clauses, and said that he expected that on Monday some idea would be given by Government what their intentions were with respect to that important Bill. Sir, I agree with the right hon. Gentleman that this is a Bill of the utmost importance, and I should deplore the circumstance that this Bill, which attempts to establish a right principle of Colonial Administration, under happy auspices, should be defeated by any occurrence connected with the abrupt termination of Parliament. But, Sir, what is the bulletin of Monday night upon this subject—that night upon which I was called upon to state exactly the intentions of Government with regard to public business. The New Zealand Bill has not only got into Committee, but has nearly got through Committee. In fact I may say, that out of more than 80 clauses, 72 have been disposed of; and, with the exception of some which refer to what may be almost called a private and a local subject, the great questions connected with this Bill, which is to give a new constitution to an interesting colony—the great questions are all settled in this House; and it is hardly possible to conceive that the state in which the New Zealand Bill is now found can at all justify Her Majesty's Government in relinquishing the hope of speedily passing this Bill through the House. Then, there is another colonial measure, also referred to by the right hon. Gentleman—the Hereditary Casual Revenues Bill, which, to use the language of the right hon. Gentleman, is a measure of "primary importance." Now, perhaps, the House will allow me to remind them of the nature of this Bill. The Law Officers of the Crown have expressed to Her Majesty's Government their doubts, and more than doubts, whether those branches of casual revenue, which have now assumed very great importance in the auriferous colonies of Australia, might not be, by the strict letter of the law, applicable to the Consolidated Fund, instead of being applied, as Her Majesty's Government wish, to the benefit of the colony from which they spring. No one can doubt but that this is an object to attain which will not excite any very great party feeling, or receive any very great opposition; and when I mention that the Bill which is to confer this highly beneficial and advantageous privilege upon the colonies is composed of only two clauses, it is not a very presumptuous expectation on the part of Her Majesty's Government to hope that they may be as successful with it as they have hitherto been in that foremost Bill with regard to colonial legislation relating to New Zealand. There are two other Government Bills which the right hon. Gentleman referred to as connected with the Colonies, and really, except that the word "bishop" does appear in the titles of these Bills—and I know how unfortunate that word sometimes is in exciting debate in this House, and in calling forth the irregular energy of the hon. and learned Member for Youghal—I should hardly suppose that there will be any opposition to these two Bills. One of them, the Bishopric of Quebec Bill, is in fact only to take care that in a diocese already divided, one of the bishops should not retain the whole of the episcopal property, but should divide it with his brother bishop; and I should hardly think that this measure would be opposed, more especially as it consists only of two clauses, and has already passed the other House of Parliament. I think, therefore, it is not rash to suppose that even that Bill may soon pass into a law without at all procrastinating the conclusion of the Session. There is a fourth Bill, called the Colonial Bishops' Bill, and that is a measure which is also of very small dimensions, its only object being to relieve the Indian bishops from the disability which, in the case of the other colonial bishops, does not exist, for the latter are not prevented from officiating in the dioceses of other bishops, as the Indian bishops are. It is therefore a Bill essentially just in its provisions. It is one which I cannot say is of that urgent nature which, generally speaking, all the Bills are which Her Majesty's Government have brought forward, but it is a Bill of a very important character, very slight in its dimensions, and not calculated to produce any controversy; therefore I shall give it a chance of obtaining the sanction of the House. I have now gone through two of the most important groups of projected legislation to which the right hon. Gentleman referred; but the colossal catalogue was not limited to these two groups. The next subject to which the right hon. Gentleman alluded for those proofs of the unsatisfactory state of public business which he adduced, refers to the department which is presided over by my noble Friend the President of the Board of Works. There are three Bills on the table of the House which have been placed there by my noble Friend. The first of these is the Intramural Interment Bill—a Bill which, I believe, has the concurrence of a great majority in this House, and which it is the public wish, as well as the wish of the majority of this House, should pass into law. I am not prepared, I confess, to renounce the hope, not only of passing that Bill, but of passing it quickly, and with but slight opposition. There is also another Bill, the Metropolitan Water Bill; but remember, that that Bill has already been referred to a Select Committee, and it comes down, therefore, to the House with the advantage of the criticism of that Select Committee, and the approbation of a tribunal to which the House always looks with great respect; and therefore I think I am warranted in believing that it can be passed without postponing the termination of the Session. There is another Bill laid upon the table of the House by my noble Friend (Lord J. Manners)—the Metropolis Buildings Bill; and, as there seems such a keen desire to resist legislation on the part of the right hon. Gentleman, from the fear that we may be overwhelmed with it, and, as it is necessary, in order to give hon. Members an opportunity of making any observations in reply, that I should conclude with some Motion, I am prepared to move, at the proper time, that the Order of the Day for the Second Reading of that Bill should be discharged. I have now gone through three of the great divisions which the right hon. Gentleman brought to our notice. All our measures of legal reform are fast arriving at that safe harbour to which I believe they are destined; all our Colonial Bills have also made very great progress since the Thursday when the attention of the country and of the House was called to the unprecedented position of Parliamentary business; and of the two Bills which are under the charge of my noble Friend the President of the Board of Works, one of them has been referred to a Select Committee, which, as I before said, will tend to make its progress through the House more rapid, and the other has received out of doors and in the House such a degree of favour that I cannot doubt it will in due time pass into a law. Sir, there were, however, other circumstances in the state of public business on which the right hon. Gentleman dilated in terms of impressive solemnity, and which seemed to produce a considerable effect at the moment upon the feelings of the House. The right hon. Gentleman called the attention of the House of Commons particularly, on Thursday, to the state of the Committee of Supply. With something of the art of the rhetorician, he reminded the House that hitherto the expeditious way in which the Committee of Supply had been carried on, the promptitude with which we had passed our Estimates, had been, as we are always too willing to acknowledge, the consequence of the continued forbearance of the House; but the right hon. Gentleman gave the House to understand that even now the remaining Estimates amounted to millions, in respect to which we were to pass through a different ordeal. On Thursday night he called the attention of the House and of the country to the important fact that there were still 200 Votes in supply which had not been passed, and that those 200 Votes were to be met with 42 recorded negatives of one hon. Member. That, Sir, was the dreadful prospect for the Government at the end of the week, and that was one of the evidences of the incapacity of Her Majesty's Ministry to conduct the business of the House of Commons. It will perhaps be some satisfaction to the right hon. Gentleman to know that, Monday having come, I, the great criminal, appearing to give that account which the "unprecedented" state of Parliamentary business was said to call for, can at least urge some plea of extenuating circumstances; since now, on Monday, instead of 200 Votes in Supply remaining to be passed, there are, I believe, only 19; and with regard to those 19 Votes, I cannot help thinking that, even with the determined spirit of the hon. Member for Youghal (Mr. C. Anstey) the hon. and learned Member may yet find other opportunities enough for the exercise of his indefatigable powers; and that, perhaps, when we go into Committee of Supply again with those 19 Votes we may experience even from him some little tender touch of remorse. There were some miscellaneous Bills also mentioned by the right hon. Gentleman. There was the Navy Pay Bill. I have endeavoured to form some opinion whether that measure can be passed; but I cannot gather that there is any opposition to it, and when the statement is made with respect to it by the Secretary to the Admiralty, I indulge in the hope that that Bill too will pass. There is also the Patent-Law Amendment Bill; but I may remind the House that that Bill has already passed the House of Lords, and that we have referred it to a Select Committee; there, as I have before remarked was the case with Bills so referred, it will receive a revision which will enable it to command much more readily the general agreement of the House. I cannot think that I am yet called upon to say that these two laws, which I believe will be advantageous to the country, should be renounced. Now, Sir, there are some other Bills, and one rather large head, to which the right hon. Gentleman also referred. There are two Bills with regard to Ireland. There is, first, the Valuation of Land Bill; I hear from all sides that this is a good measure, Why, then, should we give it up? I cannot say that I am prepared to give it up, when we have had only one division upon this measure, and when the numbers, I think, were 80 to 4 in favour of the Bill; and, believing that this is a Bill which is very much to the advantage of the people of Ireland, I certainly think the House will concur in thinking it should pass. There is another Bill connected with Ireland—the Whiteboy Acts Consolidation Bill. I am anxious at this moment that no Bill should pass, that we should proceed with no Bill which is likely, I won't say to waste, but to occupy the time of the House, unless it is of urgent necessity; and, as I agree with those who think that a Bill for the purpose of consolidation can scarcely come under this head, I am prepared not to press it forward. Then there were the Continuance Bills, which is the last class of measures to which I shall refer. The Poor Law Board Act, which is a Continuance Bill, now stands for a third reading; and then there is the Encumbered Estates Act. That is a Bill which must be continued, and I cannot anticipate that any hon. Gentleman in this House can wish that that Bill should not pass. There remains another Bill, which relates to a matter to which the right hon. Gentleman said the late Government attached the greatest importance, and which must be renewed—I mean the Prevention of Crime and Outrage Act in Ireland. We have had from some hon. Gentlemen opposite some hints as to the opposition which is to be extended to the renewal of the Crime and Outrage Act. Sir, whatever opposition is offered to the Bill, so long as it respects Parliamentary usages, and is conducted in that courteous spirit which I believe will always distinguish this House, that opposition in a case of imminent necessity I must be prepared to meet. It is the opinion of Her Majesty's Government that the Act for Preventing Crime and Outrage in Ireland should be renewed; and inasmuch as that Act consists of only one clause, giving hon. Gentlemen opposite credit for as energetic patriotism as any body of men possess, even should they put in practice all the resources of their rhetoric, even if they should avail themselves of all the opportunities with which the constitutional forms of this House provide them, I cannot believe they will be able to defeat a measure so necessary to the peace, the tranquillity, and the prosperity of their country. With very great respect, therefore, for the opinions held by those hon. Gentlemen, we shall attempt to continue that Act; and I tell them I am prepared for their opposition, which however, I am sure will be conducted according to the spirit and practice of this House. I have now gone through the whole of the colossal catalogue of the right hon. Gentleman, and I ask the House fairly to decide, is it their opinion that the state of public business, that the state of business in the House of Commons, is so unsatisfactory as was alleged on Thursday night? I declare, Sir, that when I examine the Government measures that have not passed, with the most anxious desire to ask the House to support nothing which I do not conceive to be of the first necessity—with the most anxious desire that the labours of this Parliament should not be prolonged—I do not find myself justified, with the exception of the slight and most insignificant instance to which I have referred, in recommending the withdrawal of any of these Bills. They appear to me to be necessary, and they appear to me also to be in a most satisfactory state of progress, so that all of them may be passed consistently with that termination of the Session which we all of us anticipate. Sir, I claim no credit to the Government for this state of the public business, and I say that most unfeignedly. It is a state of the public business, in my opinion, satisfactory; but it is due, and due only, to the good sense and the good temper of the House of Commons. And, Sir, when I heard the highest authority dilate upon the present state of business, and say, with all the weight attaching to his name in the senate of his country, that if we did not take care we should bring representative government itself into disrepute, and that it would appear that we could not transact the business of the country, I say that I have drawn from the Session which is now closing a very different conclusion and a very opposite moral. I would rather adduce what has been done in this House, and the manner in which it has been done—I would rather adduce it as evidence in favour of representative government, in favour, at least, of the mode in which representative government is carried on in this country, than bring it forward as an argument which should lead us to believe that the reputation of representative government is in danger. Sir, I will not dilate upon the fact that we have been enabled already to pass through the House of Commons 37 Government measures, 20 of which have already become law; but when I recall to the House the circumstances of the Session, that a change of Government took place, and when I remind the House of the party feelings which under such circumstances naturally revive, of the great delay of business which from such circumstances must necessarily occur, the fact that I and my Colleagues only on the 15th of March were enabled to resume our seats in this House, I think it tells very much (as I said before) for the good sense and the good temper of the House of Commons that we have been permitted by their aid to carry nearly to a conclusion so many important measures, and yet not to have postponed that important appeal to the people on which we are all agreed. Sir, I remember some years ago, when I sat on the other side of the House, under the guidance and advice of that distinguished man Lord George Bentinck, and when I took a part in public affairs which I was not, but for the too great indulgence of my friends, scarcely justified to assume, it became my duty to sum up the results of the longest Session that I believe the House of Commons has ever yet experienced—a Session of more than ten continuous months, concluding in the month of September, 1848. There were at that time the same charges made as to the inefficiency of the House of Commons. At that time we were told that the accumulation of business was intolerable, and that it was proved in a manner which every one ought to view with alarm that a representative government could no longer deal with the affairs of a great community. Sir, it was my duty then, after a careful analysis of all the Motions and all the measures of that remarkable Session—it was my duty then to vindicate the conduct and character of the House of Commons. It was my duty also to endeavour to prove that which I gave my reasons for believing—that it was to the weakness of the Ministry, and not to the inefficiency of the House, that this lamentable state of affairs was owing. In the present instance, Sir, I do not think it necessary for me to ascribe the present state of public business either to the weakness of the Ministry, or to the inefficiency of the House of Commons, because I maintain that the condition of public business at such a period, and after a Session so broken up and disturbed, never was more satisfactory. I said that I claim no credit for the Ministry for this result; but I can say this most sincerely for them—that we have endeavoured by sedulous attention to the business which we had to discharge—to merit the generous support which we have received from the House of Commons, even from our opponents.

MILITIA BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. RICH said: Before entering on the discussion of this Bill, I beg for a very few moments to refer to the charge of inconsistency which it has been attempted to affix on those who having voted for the introduction of the Local Militia Bill of my noble Friend the Member for the City of London, have found it their duty to vote not against the introduction, but against the second reading of the General Militia Bill. Sir, with regard to this Militia measure, there are four parties. There are those who are opposed to all Militia Bills, or to all additional means of national defence. They, most consistently, have opposed both Bills. Secondly, there are those who may lean to a local or to a general Militia Bill, but who, willing to entertain the general consideration of our defences—being desirous of seeing some additional military force organised—have consistently enough supported the entertainment of both measures, hoping that they might be altered in Committee according to their several views; and it is now for them to decide whether the present Bill in its amended shape answers their expectations of national defence. There is a third party, who have considered a Local Militia Bill to be founded on principles "so essentially vicious and false," that they have been compelled to adopt the very unusual course of practically refusing to allow a Government to lay upon the table of this House their measures for the defence of the country. This party consisted mainly of hon. Gentlemen opposite; of almost every Member of the Cabinet; indeed of almost every Member of the present Government having seats in this House. The right hon. Gentleman the Chancellor of the Exchequer spoke and voted on the occasion; so also, the right hon. Gentleman the Home Secretary, the introducer of this measure. There is a fourth party, who have supported a Local Militia measure, considering it capable of popular organisation, but who, looking upon a general Militia measure in a time of peace as mischievous and oppressive, have opposed its second reading. Now, Sir, the same broad distinction of "vicious principles;"—"very essential difference"—I quote the words as stated in February—between the two systems, which may justify the very unusual procedure of the present Government in having practically resisted even the introduction of the Local Militia Bill of their predecessors, must at least stand in equal stead those members and supporters of the late Government who in May and June oppose, as they in February opposed, the principle of a general Militia Bill. Sir, I am almost ashamed of having occupied these few moments with a deduction so plain and self-evident; but such a ready, and, if I may so say, so unfair a use of this charge of inconsistency, was made in the early stage of this discussion by those very persons—by the Colonial Secretary for instance—who thereby laid themselves most bare to the counter charge, that I, who, for one, do value a character for rational consistency, have ventured to occupy the time of the House with these few unvarnished facts. And now, without one word of comment or recrimination, I proceed to the business before us. That consists, first, in a very brief survey of the grounds alleged for the present measure; secondly, of the substitutes or alternatives that have been suggested for it; thirdly, of the results to be expected from the measure itself; and, fourthly, the consequences that might result from its rejection.

The general grounds may be soon despatched. They were originally laid upon the urgency of some vague imminent danger—more than half denied by words, but more than half implied by inuendo—and upon the Ministerial assertion that we could not bring into the field, after denuding our arsenals, our depôts, and our capital, 25,000 men. Both of these pleas have vanished under the hammer of discussion. The vague imminent peril, never strongly asserted, has been utterly abandoned, both in word and in deed. I say emphatically "in deed." For the Government has refused the offers that were made to them by the Amendments of 50 and 90 days' drill, which would have rendered their militiamen to a certain extent effective; whereas the present measure only proposes to form a force that will hardly be collected before Christmas; that will not then have half its numbers; and those numbers then not even versed in the mysteries of the goose step. These are admissions that you contemplate no urgency, no proximate call, for the application of your force. Then the 25,000 men have been shown to be 65,000, including 5,000 marines on shore. Attempts indeed were made during the discussion to exclude the marines ashore from all consideration, upon the singular plea that in the event of an invasion they would be wanted on board of our ships. But if the enemy were once landed, common prudence would counsel the disembarking of whatever marines were already afloat, rather than sending the 5,000 ashore far away from the scene of action. If London were menaced by an hostile army in Kent, it would be a sorry manœuvre to embark our marines at Woolwich for the augmentation of a fleet off Cherbourg that had already let an enemy slip by. But it is to be remembered that the Ministerial plan made no reservation for necessary garrisons and all the long array of abatements by which the analytical ingenuity of some right hon. Gentlemen left us with almost no army at all. The Ministerial statement expressly excluded these garrisons, &c.—I will read it, if you like—leaving their defence, with that of the metropolis, and the Queen's palaces, to pensioners and police. True, it excluded Ireland also. But no one during the debate has seriously endeavoured to sustain so invidious and insulting, so repealing an exclusion. Ireland is as much part and parcel of this country, as much bound to defend and be defended, as Yorkshire, Middlesex, or Scotland. At the time of the disturbances in the manufacturing districts in 1841, Ireland supplied regiments to Lancashire; and, still more, if those districts were invaded, would she lend her helping hand. Of course it is impossible to foresee under what peculiar circumstances an invasion or an attack on this country might take place; one cannot say how Ireland or Scotland or Yorkshire might then stand; but as a general rule we are bound to assume that they would all equally and mutually defend one another. The exclusion of all consideration of the troops in Ireland seems to me to involve a flat insult to the loyalty of that country. We are bound to consider our troops in Scotland, England, and Ireland, as our home troops; and while the right hon. Gentleman the Home Secretary, without misgiving, left our arsenals, our manufacturing districts, London, and Her Majesty's palaces, to the protection of pensioners and police, he surely might have remembered that like pensioners reside and are enrolled also in Ireland, which has the further defence not of unarmed policemen, but of 12,000 admirably-constituted and well-armed constabulary, and which render the regular forces of Ireland greatly more available than those of England.

Undoubtedly the disposability of these troops offers a wide field for speculation, as well as for grave consideration; but it has been made needlessly wide by hon. and right hon. Gentlemen travelling out of its precincts—by arguing as if we had to guard against a vast and comprehensive scheme of invasion, which would necessarily demand such a long and extensive preparation as could not fail to give us time and warning enough to make corresponding preparations for defence. Then, undoubtedly, some such dispositions of our forces and garrisons as have been sketched, would be necessary; but such an invasion as that is palpably not the subject under consideration. Therefore, all the right hon. Secretary's phantom garrisons of 10,000 men in one direction—of 5,000 men here, and 5,000 men there, are beside the present question, and serve only to mystify and mislead. It is not against a comprehensive invasion, with long trains of battering artillery, that we are called upon to arm. It is against a sudden and vigorous assault, when at the unexpected outbreak of a war we might find ourselves in a state of laxity or weakness; and when once the assault was made, it would be an act of folly or of cowardice to shut up two-thirds of our regulars in garrison. It is from the heedless or wilful confounding of these two very distinct modes of attack and defence—a comprehensive invasion or a sudden assault—that the seeming contradictory statements of our forces have arisen. These discussions, then, have cleared the question: all urgency has been abandoned; Ireland is reunited to us, and instead of a bare handful of 25,000 men, we find we may safely rely on from 65,000 to 70,000 regular cavalry, infantry, artillery, engineers, and marines; together with a reserve of some 50,000 pensioners, dockyard battalions, &c., which render these troops more disposable, and of which I shall presently speak.

Yet still Her Majesty's Ministers say our forces are insufficient, and they ask for such reinforcements as may render them more formidable and more fully disposable. This request has been heard with respect and attention. It may suit the purposes of those who seek to cry down all reasonable discussion respecting a measure branching out, as this does, into so many civil and financial, as well as military considerations, to assert that all those who do not support it are recklessly leaving this country open to danger and insult. Sir, the only reply that one can condescend to make to such imputations, is a mere short recapitulation of the additional or substitutional means of defence that have been submitted. In the first place, there has been offered to you a local militia resembling more nearly the old constitutional force of the country, than your English general militia. That you flatly refused. Many propositions from both sides of the House have called upon you to encourage and organise the voluntary spirit of the country—to patronise rifle artillery, and light infantry, as well as your present mounted yeomanry volunteers. To this you have turned a deaf ear. In accordance with the principle that has trained and organised our dockyard battalions, you have been requested to extend the numbers of your police, and to train them, and other local forces, to the use of arms and military exercises. This, also, you have not heeded. Yet allow me to say that these suggestions offer means quite as comprehensive, more national, more cheap, more spontaneous, more effective, and a more ready at hand organisation than that which is now before us. Yet still I admit they are but subsidiary means. The gallant Gentleman the Member for Westminster has pointed out to you, and others who followed him have shown, how you might withdraw from several of your colonies a considerable amount of artillery and infantry, and thereby increase your home forces at no additional expense. Almost every military officer—I believe I may say every military officer—who has spoken in this debate, has avowed or admitted that an increase to your regular forces of 10,000, 15,000, or 20,000 men would be infinitely preferable to your proposed militia; and there are very few reflecting civilians who have not concurred in this opinion. But nearly all have also intimated a fear that the additional charge to the country for supporting such an increase to the Army, would become so irksome that it would be almost hopeless permanently to maintain it, combined as it would be with the just jealousy that exists in this country against a large standing Army. But, Sir, there are other obvious, simple, and beneficial means by which an equivalent to these 10,000 or 20,000 regular troops might be obtained at little or no real permanent cost to the country, and which, when once obtained, could not, by any economical fit, be dismissed and done away with. You would be secure of them for the next twenty years, and might annually replenish vacancies, and increase their numbers. I beg pardon of the House for saying so; but it seems to me almost infatuation, when seeking to strengthen your military power, that instead of looking to your vigorous, well-disciplined, and easily-recruited Army for its supply, you should weakly, mischievously, extravagantly turn right round about and think of hiring by the piecework a multitude of armed labourers and artisans to do that—it might be the most critical duty that can fall to man, but with which they are necessarily, totally, and entirely unacquainted, and in which you yourselves declare you will not afford them sufficient time and occasion for instruction. Why, Sir, if the danger be as real as it is stated to be, such conduct is near akin to that madness which we are told is inflicted on persons or communities marked for ruin. If you really want an additional military force, why will you not seek it where it is most quickly and best to be found—in your Army? Why will you not have an army of reserve; or, rather, why will you not extend and consolidate your present army of reserve? for you already have one. Your retiring pensioner system and pensioner battalions constitute an army of reserve, which requires only a little expanding and remodelling to render highly effective. You know that, by your existing regulations, after twenty-one or twenty-four years' service, as the case may be, your well-conducted soldier is entitled to a pension of 1*s.* a day, subject to being enrolled and called out, as he now is, for occasional or emergent service. The slightest reflection will tell you that half this pension for half this period of service would scarcely add to the public charge; and it is notorious that if such an offer of 6*d.* a day for ten or twelve years' service, were made to men of good character, with like conditions of reserved service, it would gladly be accepted. It is known that there are from 30,000 to 40,000 men in the Army who have served above ten years. But estimating for the present only from those at home, or in our less distant colonies, and who have served from ten to fifteen years, you might forthwith select and form into reserve battalions some 10,000 of these best soldiers, ranging from twenty-eight to thirty-five years of age. This would be a substantial commencement of a reserve force. The gap in the standing Army would forthwith be filled up by recruits, and each successive year would yield its supply of ten or twelve years' service men to fill up vacancies and increase the numbers of this efficient army of reserve. And the only answer to this plain proposition is, that the right hon. Gentleman the Secretary at War says, "Oh, you would be robbing the Army of its best soldiers." Sir, there is either danger to be apprehended from a foreign assault, or there is not. If there be not, then the whole of the present measure falls to the ground—it has not a leg to stand upon. But if there be danger, then I stand here to learn how the experienced soldier of good character, who, by virtue of that experience and good character, is retained at home in an army of reserve, ready, at four-and-twenty hours' warning, to come forth in his country's defence in the crisis of her greatest danger, can, by any process of reasoning, be said to be stolen from the Army. Why, Sir, he is retained in the Army for the most precious, the most important service that mortal man can render—the defence of his native soil. By his small retiring pension he is effectually retained in the Army for all emergencies, while having honourably fulfilled his twelve years' active service, he is restored to civil life, with a retaining compensation. It is thus that the reward for past services becomes also the guarantee for the finding and the fitness of the instrument of future contingent service. This is, therefore, no robbery of the Army, but the very best means of extending and multiplying its powers and resources. It is making a small army render in peace the service of a large one, and that by the humane and provident means of the pensioner system. A moment's reflection must tell not only every soldier, but every civilian, that the true way to obtain a really efficient reserve or latent military force in a country, is to pass a certain amount of its population, more or less rapidly, through the ranks of the active Army; and that the best way to reward good conduct in that Army, and to secure the finding of the reserve men, is to give them small retiring and retaining pensions. With our redundant and martial population, and with the greatly amended and amending treatment of our soldiers, there is no difficulty in finding recruits. But with the expectation of a small pension after twelve years' service, the Army would probably become so popular that that most desirable object—making dismissal a punishment instead of a boon, would be attained. Still, while many would be glad to marry, and retire thus early on the smaller pension to their early homes and avocations, others, with an acquired affection for a soldier's life, would continue on for their full twenty-one years' service, and its maximum pension. There would thus still be retained in all regiments a considerable number of old and experienced soldiers—a great advantage I fully admit, and enhanced by the fact of this being voluntary; whereas now, all are constrained to continue to serve their full time, in default of which they forfeit all claims to any pension whatever. But, by establishing the two periods of service, and the two pensions, the double advantage would be gained of having a body of willing young men for your army of reserve, and a body of willing old soldiers for your standing Army. Some regulations would be necessary for the rate of pay if called out for any service longer than that of mere drill. It is clearly just that while the soldier's pension is thus treated as a retaining fee, no officer should be allowed to retire on half-pay, under a specified age, without also being attached to the army of reserve. But these are mere questions of detail. That on which I wish to fix attention is, that by this system of half service and half pension we might within this year, and without difficulty or permanently increased expense, obtain 10,000 or 12,000 excellent soldiers of from thirty to thirty-two years of age; and further, that we might thus in a few years augment our reserve force to almost any amount—to the amount of one-half or two-thirds of our whole standing Army. After fifty years of age the men might receive a small additional pension, and be enrolled for ten years longer in garrison battalions, never to be called out except in cases of urgency. Some 10,000 of the more ablebodied of our already enrolled pensioners who are under fifty should be drafted into the army of reserve, and those between fifty and sixty would pass into the garrison battalions. Thus the name of pensioner, which carries with it the impression of something worn out, would cease.

Let not hon. Gentlemen think that I am exaggerating when I rate the reserve force so highly. Our Army now consists of 140,000 to 150,000 men of all ranks: if these be renewed every twelfth year (or, making allowance for those soldiers who may choose to serve out their twenty-one years), we may say every fifteenth year, then it is clear that 140,000 or 150,000 must pass through our ranks during that time. But if a deduction of one-half of these be made for deaths, disabilities, and discharges, there will still remain for those twelve years some 70,000 or 80,000 between the ages of twenty and forty-five, available for an army of reserve, and which, mark you, would cost barely anything more than the mere fifty shillings per annum for accoutrements and enrolling. Now I beg to ask among the most fervent admirers of the measure before the House, whether these 80,000 prime soldiers, costing less than 200,000*l.* a year, would not be twenty times more valuable in every respect than your 80,000 militiamen, costing at least 300,000*l.* a year? But as this army of reserve would be composed entirely of prime solders, it would probably not be necessary to drill them every year, and they might therefore be divided into two corps, to be drilled alternate years, whereby their cost would be considerably reduced, and the 80,000 army of reserve would not cost half of the expense of your 80,000 militiamen. And here I might leave the case. I might ask which you will have—80,000 prime soldiers for 150,000*l.* a year, or 80,000 no soldiers at all for double the money? That is the question. Have I exaggerated? Have I mis-stated? Can you pick a hole in my argument? Perhaps you may say, "True, but we want our men for defensive operations now; and you have shown us only how we may have them twelve or fifteen years hence." In the first place, you have not got your 80,000 militiamen yet—I doubt whether you will ever get them, and if you do, that you will maintain them. You may succeed this year with your bounty, and the novelty of the thing; but next year, when the main pull comes, you will be obliged to have recourse to your ballot—to apply the screw, when its head will fly off. At all events you say you will be satisfied with 30,000 or 40,000 this year. Now I have shown you that you may have 10,000 or 12,000 prime soldiers from your standing Army for an army of reserve, as soon as, or sooner, than you can get out and drill your militiamen. But by offering a small pension as a condition of enrolment to already discharged soldiers of good character, and of ten years and upwards service, you might speedily enrol some 4,000 or 5,000 of the good soldiers of this class who are scattered about the country. You may add to these 10,000 or 12,000 of the most ablebodied of your first-class pensioners under fifty years of age, always at hand, and thus at once place your reserve force at 25,000 soldiers, with whom not one of you can venture to compare the 30,000 or 40,000 undrilled bounty-men. Next year, and each successive year, would bring 6,000 or 8,000 ten years' service men to the ranks of this army of reserve; and as its numbers rose, you would despatch volunteer battalions of it to some of your more important colonies, who would gladly receive and bear the enrolling and other charges of these most valuable military colonists, while you at home would retain a useful control over them by the payment of their pensions. I speak not from hypothesis, but from fact, for this has already occurred in Australia, the Cape, and your North American Colonies. The gradual increase of your army of reserve would thus enable you to withdraw some of your active troops from those colonies, and so lead to a safe reduction of your standing Army. This is an obvious and important recommendation of my scheme, but of which yours is utterly devoid.

But independent of these general reasons for operating on your Army for the creation of a reserve force, you must remember that in 1847 you passed the Ten Years' Service Act; and it is highly expedient, if not absolutely necessary, that you should soon take efficient steps for retaining the services, either in the regular Army, or in an army of reserve, of these series of men whose terms of enrolment will commence expiring in 1857, 1888, &c. All these reasons, then, press upon you for organising an army of reserve from your Army — it lies under your hand waiting for development—it is capable of enormous expansion and varied application, and at little or no cost—and would be ready to start into action at a moment's call.

These, then, are some of the substitutes or alternatives which we offer you; but instead of this you say, let us revert to our old constitutional force of a general militia, which you tell us is a step in the right direction. Is it so, and is your proposed measure a revival of the old national militia system? That was essentially local in its organisation: the men and officers were of the county or shire; they were only temporarily embodied even during war, and were exercised within their own shires; their duties were essentially local: all extra-provincial or general service in other parts of the kingdom were exceptional. The progress of the late war forced on various modifications, which, before its close, changed the character of the militia into that of a second or home army. The consequence was, that in 1808 its former place was actually filled up by the local militia, which was then organised out of the volunteers which 1793 and 1804 called forth; and thus the local militia, which embodied all ranks around their own homes, is the lineal representative of the old militia force of the country. But your militia scheme, taking up the altered general militia of the war, now seeks to effect still further changes, and is about to lay the basis for a permanent home army. It is to be distinct from and totally disconnected in its formation from the regular Army. This is an innovation of which the country should be aware, and should have time to guard against. It was hardly perceptible at first, but its features have crept out under discussion. All local interests and distinctions are abandoned or overridden. The special quotas for the counties are given up; the county or local qualifications are made personal, or surrendered to half-pay officers. County drills may be changed to district or general drills; in fact, little remains but the mere name and inefficiency of militia, and that too, we are told, is to be revived next year.

Now let us ascertain what will be the efficiency of this new domestic Home-Office army, which the Chancellor of the Exchequer has told us will be cheap, popular, and effective. There are two means of aiding a regular army in case of invasion: first, by reinforcements of regular troops; secondly, by the subordinate co-operation of irregular or half-formed troops, gathered from a general volunteering, a local militia, or other imperfect organisation of a population hitherto unaccustomed to arms. Both these resources are highly useful—both necessary; but they are essentially distinct. The one immediately joins and gives strength to an army, and affords time for the organisation and discipline of the other. Now, one of my principal objections to the present measure is, that it neutralises and confounds these two essential resources, which are valuable mainly by being kept distinct. Your ballot and your bounty will paralyse, degrade, and interfere with the volunteering and patriotic principle of the one; and your broken and imperfect organisation can never reach the military requirements of the other. You assert that it will be an army of reserve. I fear that it will be like the rest of your measures — no better than a miserable compromise. For what are the requirements of an army of reserve, capable of aiding us in the event of a sudden invasion? What are those requirements? First, that its men and officers should be essentially soldiers, capable of instantly entering on garrison and field duties as seconds to the regular Army; secondly, that they should certainly be found, and easily be assembled; thirdly, that the force should be permanently sustained, and therefore popular and cheap in its working; fourthly, that it should be allied with, and in harmonious feeling with the Army. Now, Sir, without encumbering the argument with any minor considerations, I ask whether these are not the obvious and essential requirements of a force which should aid our Army in the repulse of the sudden and desperate assault of a disciplined enemy? Now, let us apply these tests to the reserve force you propose: would the men and officers be in harmony with the Army? What would they have in common? Nothing but their red coats, and the irritating fact of having received a much higher bounty for infinitely less hard and less long service. Is it likely to be permanent? Ask your present militia system, that has been a dead or unenforced piece of parchment for thirty years, costing the country more than three millions for no one semblance of service, I will not say rendered, but renderable, during all that long period. Is it likely to be popular with the ballot stamped and rivetted upon it, being, as you admit, its very backbone, and without which you tell us it could not exist? What say the 1,370 petitions against, and one only for it? But, unpopular and inoperative, will the 300,000*l.* annual expense stand the shock of the economic votes of the next Parliament? Will this convulsive act of a Provisional Government in a dying Parliament be respected? Your measure, therefore, stands little chance of permanence. But will your men be certainly found and easily collected? What hold have you on them? If you could draw your general militia, as you might have drawn your local militia, from a localised resident population, such fulfilment would probably have taken place; but you have inserted a clause admitting quotas from proximate or distant counties. This, in combination with your bounty and substitute money, will obviously attract the unsettled vagrant class; and, without any harsh disparagement of the general mass composing this class, it is obvious that the temptation of poverty, their unsettled habits of life, and facilities for evasion and concealment, will cause numbers every year to disappear from your muster-roll. The absurd checks which you have proposed and withdrawn, show plainly that you fear this; while the obvious but necessary feebleness show clearly how unavailing they will be. Let those who have declaimed so lustily upon the fidelity with which your militiamen will return to their annual drilling, explain the necessity for the stern precautions which are taken in your Army and Navy against the desertion of those who come from this very class which will feed your militia. And how will it feed it, if it feed it at all? Why, plainly, its voracious grasp of 80,000 men in two years will be satisfied only at the cost of the necessary recruiting supply of your Army, your Navy, and marines. Your checks on evasion are mere cobwebs. You have no other valid security for the forthcoming of your militiaman to his annual drill, than the offer of some 20*s.* annual bounty, in addition to 1*s.* a day pay—offering, in fact, lower wages, including his incidental expenses, than even a Dorsetshire labourer now gets, and yet which you dream will tempt men from employment in a remote part of the kingdom. If this be your sole slender expedient for coaxing your vagrant militiaman to his drill, what security have you, during the forty-nine weeks' intervals of his drills, for knowing where to find him? None whatever. Thus, then, you offer a most slender security for the annual reappearance of your men, and no security at all of speedily finding and assembling them on emergencies. But when, following Mrs. Glasse's advice, you have first caught your man, and dressed him, will he in truth be a soldier? When will he be a soldier? Never. Every one in this House, either directly or indirectly, has declared so. Never; that is, not until you give him such a course of drilling and acting in concert with other troops, as by your Bill, and the very condition of the force, you cannot possibly bestow. What has your Chancellor of the Exchequer said on this subject? He told you on the 6th May, taking the common-sense view of the question, it was madness or misrepresentation to assert that those militiamen would cope with the legions of Algiers or of the Caucasus. True enough, too true; for it is precisely just such legions as those that they would have to contend with; and yet we are told by the leader, in this House, of the Government proposing this measure—that it was madness or misrepresentation to assert that they could do so. Will the Chancellor of the Exchequer say the same of your regular Army, and of the reserved force of regulars propose to append to them? Will he not say rather, and think it foul scorn to imagine for a moment, that such a force would not be, as it has ever been, competent to meet successfully any legions, come they from the north, south, east, or west, that might be brought against them? By these tests then, and by your leader's own surrender of the case, I ask you to weigh the two measures. On the one hand, you may have at almost no additional expense, and with no interference with civil rights, a force that may commence at 20,000 or 28,000 men, and may expand to 70,000 or 100,000 men, all capable, in concert with your active Army, of meeting any known troops in the world; and, on the other hand, you may collect at considerable expense, by a bounty injurious to the recruiting of our Army, and at considerable interference with civil rights, a force commencing at 30,000 or 40,000, and which by the menace or the infliction of the ballot—that is, by conscription—you, or some reckless Ministry, may augment to double or treble that number, but over which you can have little or no hold, and which your Chancellor of the Exchequer tells you will be of no real use whatever. Of what avail, then, is your measure? Why, the same right hon. Gentleman tells you his 80,000 militiamen would render your regular Army more freely disposable. What a monstrous, cumbrous, and irksome machinery for how simple an end—an end, too, already accomplished! Are we to tempt or to drag 80,000 or even 120,000 untrained or half-and-half trained agricultural labourers and town artisans from their homes and their occupations, their ploughs and their looms, to attempt, behind walls and houses and ramparts, to do very imperfectly that which 30,000 or 40,000 already trained dockyard and reserved battalions can now do much more effectually, and whose number, if need be, could be greatly and cheaply increased by the occasional training of the police, and other local and responsible forces? The right hon. Member for Manchester has well and most truly said, that if an attack really took place, every soldier and every policeman would be available, for the people of every town and hamlet would take their places and do their duty. It is monstrous, therefore, to ask the country to undergo all the expense and vexation of a general arming for the sake of superseding our infinitely preferable and already established dockyard and garrison battalions. If your militia is to be of any use in supplying the supposed gap in our defences by the asserted smallness of our Army, it must be fit suddenly to join and aid that Army in repulsing a desperate and disciplined enemy. If it be not fit for that, it is fit for nothing that cannot be done by a given number of men, at a tithe of the cost and care. But, confessedly, it will not be fit for such service. Your own leader says, it would be absurd to expect it should cope on any short warning with an invader. That word "short" involves the whole question, for, manifestly, if it be not ready in a short time, it will not be ready in sufficient time.

I ask the House, therefore, whether we are taking, as has been alleged, a step in the right direction, by authorising the creation of an irksome expensive force, admitted beforehand to be inadequate to the service required? Is it not our duty to postpone the consideration of these defensive measures, that we are told will be no defence at all?—what will be the mischief, what the consequences? It is better to do something, anything—no matter what—than nothing. Let us beware, lest by hurrying into the wrong, we thereby indispose the country from hereafter adopting the right, course. It is now universally admitted that there is no ostensible cause whatever for urgency. The debate and discussion have, though in some respects painful, done much good: they have thrown light on the question, they have cleared away many delusions, false alarms, and false expectations, and suggested many valuable resources. We begin to see how we stand; for though we may have been amused, if not instructed, by the poetical invention by a Member of Her Majesty's Government of a net of French railways connecting the Mediterranean and the Channel, and on which soldiers and sailors, if not three-deckers, were to be wafted, as by a magician's wand, from Algiers and Toulon to Cherbourg and Brest; and, though we may have stared at the stupendous arch with which, with no compliment to our Navy, we were told steam had bridged the British Channel; and though we may have been bewildered with the ingenious dissolving views, by which our home forces narrowly escaped being reduced to minus quantity: yet through all these and other mists and feints of debating ingenuity, there has stood out largely, plainly, and incontrovertibly proved by official documents, and by indisputable Parliamentary Estimates, the one decisive fact—no matter how disposed or disposable—that we actually have at this very moment nearly 70,000 regular troops, cavalry, infantry, artillery, and marines ashore, within the three Kingdoms; that behind these regulars, and capable of setting them free for an emergency, we have of dockyard battalions and first and second class pensioners a garrison force of nearly 40,000; that, independent of these 100,000 men, there are yeomanry, armed and armable constabulary amongst a thronging and valiant population, all girded in and fenced by a Navy that has never been baffled or discomfited, and which the Prime Minister told you, on his accession to office, was in the highest state of organisation, and which the responsible authorities in this House have admitted to be easily reinforceable by the 1,300 mercantile steamers of our various home ports, all capable of bearing guns, and fed from a mercantile marine, counting 230,000 sailors. Behind these forces we may sleep in peace, reject this Bill, and meditate upon a better. I have no intention to blame Her Majesty's Government for having brought their measure forward in such a hurry: no special blame attaches to them, for they could not well avoid it. They were compelled by political circumstances, new to office, surrounded by innumerable difficulties, and on the eve of a dissolution. As yet only provisional in their existence, with no time for information, counsel, or reflection, it would have been a miracle if they had brought forward a good and efficient measure: they themselves admit that it is only a half measure, an experiment, and that it must be revised in the new Parliament. I repeat, therefore, that in condemning and opposing this Bill, I attach no blame to the Government for its inefficiency. Why will they therefore force it on a reluctant House, and remonstrating country? They may fancy it a nice point of party tactics; but the case is far different with the various independent Members and independent sections into which this House is divided. They who consider that our national defences are incomplete, and require revision, are bound to pause at the last stage, and to ask themselves whether this measure will really add to those defences; whether it will not rather obstruct better measures. Others have gone into this inquiry with a frank and candid spirit, but with little or no previous information, and with no official documents or data on which to rely and deliberate. I ask them, have they risen from this discussion with any appetite for this Bill? I believe no one individual member has during all these protracted debates attempted to point out the efficiency and peculiar applicability of the present measure to the end proposed. There have been retorts and rejoinders, disquisitions upon peace and war, upon the desirableness of increasing our regular Army and our Navy, and upon the amount and disposability of our forces; but not one word has been uttered to show how the services of these proposed militiamen would be available in the hour of sudden danger, On the contrary, almost every speaker in support of the measure has indirectly condemned it by declaring how much preferable would be an augmentation, even a small augmentation, of our Army and Navy. Sir, they have been shown how they may have a reinforcement of almost any amount of regular troops in an army of reserve, at almost no cost, and with no danger of disbandment.

Let hon. Gentlemen who are anxious that something should be done, be satisfied that this question of our national defences has been brought so prominently before the country and the world, that it cannot rest where it is, but is sure of being resumed and solved in the next Parliament. The only consideration now is how it should be best accomplished. Before we blindly rush upon a remedy, why should there not be appointed during the summer a commission of our most eminent military, naval, and official men? Is it not desirable that the various requirements and political and financial bearings of this great question, should be calmly and thoroughly sifted? There are many deep subjects for their grave consideration. The present is at best a mere one-sided, isolated measure; but from the combined deliberations of an adequate commission, we might with justice expect to learn whether a broader basis might not be formed, by an extensive application of the system of reserve forces, for the development and maintenance of our naval and military establishments; whether the appliances of modern art and science, more especially in respect to locomotion, might not be more broadly extended to them; and whether such development and more extensive application of science between the two services might not effect their more intimate co-operation and multiplied strength, more especially in defensive operations; whether advantage should not be taken of the electric telegraph, and of the great junctions of our railways, and more intimate connexions with the coast, and of our arsenals and military stations. These professional subjects might be directed by sound, political, financial, and diplomatic considerations. Would not the measure of a Government prepared during a recess, and resulting from a patient study of the collected information and deliberate report of such a Commission, carry more weight, and be likely to conduce infinitely more to the permanent and sound defence of this country, than the necessarily harsh and undigested measure now before us? There can be no doubt of it. Why, then, are we to take this plunge in the dark? Why such haste to fetter our future proceedings? Let us, therefore, postpone the measure. It will be no triumph to any Opposition, no real defeat of the Government, to defer it to a more fitting time and tribunal—from a dying to a living Parliament—from a provisional to an established Government. We all know the number and remarkable unanimity of public petitions against this measure. This under any circumstances ought to have much weight; but now, when we are on the very brink of a dissolution—of returning to our constituents the powers with which they have clothed us—is it decent, is it becoming, to slam our half-unhinged doors in their faces, and tell them we will legislate in their very despite? For these reasons, and because I sincerely desire a wise revision and adjustment of our national defences, I ask you to pause and give time for calmer deliberation, for a constitutional appeal to your country's opinion, and for the collected information and confidential counsel of your most eminent public men. You may refuse this; you may disregard time, circumstance, and counsel, and you may carry your Bill; but if you do, I fear that while it may delude with a false show of vigour, it will in no degree add to our substantial defences, and after a few years of vexation, expense, and inefficiency, will fall into the disuse and contempt of its predecessor — that old decrepid general Militia Bill which you will thus mischievously revive. I am ashamed of having detained the House so long when there are so many here much more capable of discussing this question; but I will now gladly give place to them by moving that this Bill be read a third time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day three months."

MR. MACKINNON: Sir, it is a singular fact, that upwards of two centuries ago a Motion was made in the House of Commons (in 1642), much resembling the present. It was moved in the Long Parliament to this effect: "That this House should consider the condition of the Militia of the kingdom, that such force or army could be drawn together for the defence of the kingdom if it should be invaded;" which was opposed by Mr. Hyde, who said, "There never yet appeared any defect in power, and we might reasonably expect the same security in future." Now, therefore, it appears that even 200 years ago, the same apprehension of invasion existed: in fact, this dread of invasion seems to have been a sort of monomania in the English people for several centuries. The real question seems to be, Does greater danger now exist of our being invaded since the use of steamboats and railways than formerly? The answer is, that no doubt exists that the embarkation of troops, and the assembling of them at any given spot, is more easy now than formerly; it is also apparent that steam vessels can convey troops with greater celerity and certainty than when sailing vessels were in use: so far, therefore, facilities are given to an aggressive power. At the same time, however, greater facilities for defence are found in the country attacked, if possessed of similar means for defence, particularly if they have a superior naval force. The defensive squadron can always meet its opponents; and whatever part of the coast is threatened with disembarkation by foreign troops, can in a few hours be defended by all the disposable military force within 100 miles of the spot. It appears, therefore, that in the present day, the means of defence are increased in a greater proportion than the means of attack. It has, I believe, been stated by the highest military authority in this country that the nation possessed of railway communication may save half its military force, so that 10,000 men will answer the purpose of double that number, by the celerity of their reaching any given spot when required. It does not appear to me that the militia force would be of much service in case of a sudden invasion. Let us suppose that 40,000 men were embarked at Cherbourg, and, as it is asserted, they might (which, however, I deem impossible) be landed in, say, three or four days on the English coast, of what use would the militia be, if not ready and embodied for service? Look at the time required to embody these 80,000 men, to call the officers and men together, to give them their arms, clothing, and accoutrements: by the time all this was done, the invading force, if not opposed by other means, might march over England. If, therefore, your militia is not organised, it is useless on a sudden emergency; if organised and ready, you are keeping 80,000 men at an immense expense, and probably for no purpose whatever. There appears to me to exist a great inconsistency in the Executive Government. Volunteer rifle corps, composed of persons who have a stake in the community, and are therefore attached to our institutions, who would form a very powerful and efficient force, are discouraged, and prevented from forming themselves into either companies or regiments, and yet you are anxious to give power and to teach the use of arms to 80,000 men who have nothing to lose, and who are probably, in great part, persons of idle and often of dissolute habits. One would think the revolution of 1830, in France, and the subsequent one of 1848, would show you the danger of teaching the use of arms to a set of men whose poverty whispers they have nothing to lose, and whose love of money tells them they have much to gain by any convulsion. Entertaining, as I do, a perfect conviction that you are incurring a great and useless expense in the formation of a militia, in time of profound peace; that you are thereby encouraging in the community idle and dissolute habits, injurious to the morality of the people; that this Bill is decidedly not a popular measure in the country; that no possible harm could arise if you postponed the consideration of it to a new Parliament—I shall vote against the measure. If you are sincere in your apprehensions of an invasion, and are anxious for means of defence, increase your Army or your naval forces to a certain extent;

particularly depend on the latter, which has for centuries defended you from all foreign attacks, and will, I trust and fervently hope, keep you safe from all external danger for centuries to come.

Lord HARRY VANE said, he thought that this measure was very unpopular; but if the safety of the country required such a measure, its unpopularity was no argument against it. Looking at the course that had been pursued by different Governments with regard to the question of a militia—by the Government of Sir Robert Peel—by the Government of the noble Lord the Member for London (Lord John Russell), who actually brought forward a proposition similar in its effect though differing in its details—and by the present Government; and when the responsible Executive declared that such a measure was necessary—he did not feel justified as a Member of the Legislature in rejecting the measure which Her Majesty's Ministers pressed upon the House for the purpose. He was not, however, satisfied with the Bill, as he thought it was not sufficient for the purposes for which it was intended. If there were any alternative proposition, he should vote in favour of that alternative; but he was unable to vote against the only measure that had been laid before the House. On these grounds he should think it his duty to support the third reading. He did not think the regular forces of the country were sufficient for any emergency which might arise. He regretted that the Government had not yielded to the wishes of the country, and struck out the clauses relating to the ballot; and it was his intention to vote for the omission of those clauses; but at present he should give a reluctant vote in favour of the third reading of the Bill.

Mr. MACGREGOR could distinctly state that public opinion out of doors was against the Bill; and he could not but wonder at the hardihood of Her Majesty's Ministers in going to the country after passing a measure so unpopular. He would assure that House that out of doors no fear of an invasion existed. He would take, as an instance, London; and the proof of his assertion would be found in the fact that the funds were above par, and that at this moment enormous sums were being transmitted to France for investment, as he could state on authority, in the public works of that country. Never, did he believe, was there a period in history in which France was more desirous of being at peace with this country than the present. The President well knew that nothing would so endanger the stability of his power as a rupture with England; and the policy of the other three great Powers had, especially since the death of Prince Schwarzenberg, been a policy of peace and of compact defence, not against the French President, but against the eventualities of another revolution. In such a state of things, he thought a more impolitic measure had never been introduced into the House. He would maintain that the whole press of this country was opposed to the Bill, although not opposed to an efficient measure for our national defence. In place of this Bill, he would advise an addition to our marine force, which would be a hundred times more efficient than a force composed of bad soldiers and worse citizens. It would be impossible to bring the Bill into operation for a considerable time after the meeting of the next Parliament; and therefore he would call on the Government to abandon the present measure, and to mature a plan which could be fairly considered next Session. Entertaining these opinions, he would vote for the Amendment.

Mr. HEADLAM intended to vote against the third reading; and would press upon the House to reject the Bill, on the grounds that it was ineffectual, and was open to the most grave objections. He was willing to admit that the Government had some excuse in the public clamour and in the act of their predecessors; and that they had, in their difficulty, endeavoured to make their Bill as unobjectionable as they could; but that was only a reason why, looking at this Bill, he thought that no measure of the kind ought to be brought forward. In the first place, it was not based on the true principle of a militia. It was based rather on the principle of a regular force than on that of a militia. The measure of the noble Lord the Member for London was based more on the principle of a militia; but he should also have opposed that measure, although, for reasons quite distinct from those which induced him to vote against this Bill. He would admit that there was some argument for increasing our means of defence, in the improvement of modern science, and in the increased facilities of transit; he did not believe that there was any hostile feeling to us on the part of France; and if such feeling did exist, this measure was so inefficient to meet it, that it was a mere waste of money. His objection to that part of the Bill which related to the voluntary system, and raising men by means of bounties, was, that it was a plan for raising a regular force in a most uneconomical and inefficient manner. The effect of the measure would be to render all Militia Bills for ever unpopular with the country. The Bill would give no satisfaction to the country; it would prove offensive to the feelings of the community, and its existence would only throw greater difficulties in the way of producing a really efficient measure in time of need. With respect to the compulsory clauses, he thought a plan could not have been suggested more likely to render unpopular the idea of service in the militia. There was great injustice in the clauses relating to the ballot; as the wealthiest classes, for instance, the House of Peers and the Members of the Universities, were exempted from their operation. He should, therefore, give his determined opposition to the Bill.

Mr. **EWART** said, the strong and paramount objection to this measure in his opinion was, that, though introduced by the Government, it bore upon it the stamp of insufficiency. If the Government could show that further defences were required for the safety of the country let them come forward and make out their case, and the House would afford ample means for them. If an accession to the Army were required, it would be granted, and that would be a course worthy of the country. He would add to the artillery—a branch which he believed would be the great arm in modern warfare. For himself, he believed that some means of defence might be necessary. He was satisfied, considering the advance which science had made of late years, and its application to military purposes, that any future war that might arise would be of such a gigantic character as to throw all past wars into the shade; and really when he heard of such a ridiculous measure as the present being devised to meet the possibility of such, he was reminded of the old lady in the farce, who, on having an insult offered to her, exclaimed—"I would advise you to take care, I have two cousins who are colonels in the militia." He objected to this measure further, that it was not worthy of the times in which they lived. Adam Smith had, in considering the question of national defences, expressed a decided hostility to the militia, which he said was only the resource of barbarous countries, and that the more civilised men became, the less capable were they either of attack or defence by a militia. Since the time of Adam Smith the nation had become more civilised, and the principle of division of labour had been carried to a still greater extent, so that his objection applied now in still greater force. He also objected to the Bill because it contained within itself two other Acts—the 42nd of *Geo.* III. and the Mutiny Act—by which two obnoxious provisions were thrust upon the Militia—the flogging of the men, and their being billeted upon licensed victuallers. Another reason for opposing the Bill was, that the opinion of military foreigners was against such a means of defence. In the foreign correspondence of the newspapers the other day, the opinion of both Austrian and Russian Generals was cited against the efficiency of a militia force as a means of protection. But he need not go abroad for the opinions of foreign military men—there was not a military authority in this country that he had conversed with, from Sir Howard Douglas to authorities sitting on the other side of the House, who did not confess that in their secret opinion this was an idle measure, and that it would realise the description which Dryden gave of the militia in his day:—

> "The country rings around with loud alarms,
> And now in fields the rude militia swarms,
> Mouths without hands maintained at vast expense,
> In peace a charge, in war a weak defence.
> Stout once a month they march a blustering band,
> And ever, but in times of need, at hand.
> This was the morn when issuing on the guard,
> Drawn up in rank and file they stood prepared
> Of securing arms to make a short essay,
> Then hasten to be drunk—the business of the day."

Conceiving, therefore, that this measure would be only the semblance, and not the reality of a defence, he should cordially vote against its third reading.

Sir **HARRY VERNEY** supported the Bill, which he was the more inclined to do after the explanations which from time to time had been tendered from the Ministerial benches, and especially from the Home Secretary, as to the precautions that were to be adopted with regard to the force. He thought that the Bill would be useful as a means of training the population to arms, which was one of the most satisfactory measures of national defence that could be adopted. He trusted that every care would be taken to enforce such regulations as would prevent the admission of persons of bad character into the force. But, in addition to the militia, other considerations had been suggested, which he thought were well worthy of the attention of Government. Among these he thought the suggestion of a small increase to the Army was one of great importance—particularly an addition to the rifle corps, which was a force that required some time to train, while in the time of danger it was most efficient. He would also remark that along the whole of the southern coast an efficient means of protection had been provided during the last war in the erection of Martello towers, and he thought that those towers should be now put in a state of defence, their batteries manned with swivel guns, and housed over, while a few chosen men were appointed to occupy them. This might be done at a very small expense. Then he would recommend that more attention should be paid to our marine. He was surprised to see the efficiency in which the French Government had placed their navy, though they had no commerce to protect, or at least in comparison with England. He thought that seeing such exertions made by France for the increase of their naval force, the Government of this country ought to be upon its guard. We had great means of defence available to this country in its mercantile steam force; each vessel might be made to carry one or more swivel guns; and this species of defence would be applicable to all the harbours on the coasts. He had no desire to provoke hostilities with France; on the contrary, he concurred with an hon. Gentleman who spoke early in the debate, that it was not for the interest either of the French nation or the French President to go to war with this country; and he was satisfied that so long as England and France were united, they would be the arbiters of peace or war throughout the world. But with reference to this militia question he would observe that even if the hon. Member for Manchester (Mr. Bright) and his friends were correct in their anticipations of peace, still no harm would be done by this Bill beyond the expense that was incurred. Whereas, supposing these gentlemen to be mistaken—supposing the late and the present Governments to be right—and supposing the Duke of Wellington—the most pacific statesman as well as the most successful general this country ever possessed—to be correct in his anticipations, then this measure would conduce to the safety of the country. So long as we were assailable, it was the imperative duty of Government to bring forward such measures as they thought necessary for the security of the country; and to neglect to do so would expose them to national infamy. There was one proposition which was thrown out in a former debate by the hon. Member for the West Riding of Yorkshire (Mr. Cobden); he said that this question of national defences ought to be referred to a Select Committee. He (Sir H. Verney) earnestly hoped that this suggestion would not be lost sight of by the Government, and he had that confidence in the candour of the honourable Member for the West Riding, that if he were convinced the country was not now in a proper state of defence, he was satisfied the hon. Gentleman would be the first to come forward and propose additional measures of protection. Upon the whole, though this Bill was not in every respect what he could wish it to be, yet as he believed that the country required defence, and as this was the only proposition for that purpose before them, he would cordially support it.

MR. BERNAL OSBORNE said, that as he had never offered any vexatious opposition to this Bill, and had opposed it only by a silent vote, he hoped that, before the measure was finally passed into law, he might be allowed to say a few words on the subject. For the last five hours hon. Gentlemen had risen to record their opinions against the principle of the Bill; but they had been unsuccessful in obtaining any response from the Government bench; and the hon. and gallant Member for Bedford (Sir H. Verney) seemed to have taken upon himself the defence of the Bill, and the responsibility of passing it into law. He (Mr. B. Osborne) must say, that if there were no other reasons for the measure than those that had been adduced by the hon. Baronet, then the dislike with which the country now regarded the measure, was not likely to be lessened in future. He had never heard a more warlike speech expressed in blander terms than that which was just concluded by the hon. Baronet. Not content with voting for the third reading of this Bill, the hon. Gentleman called upon the Ministers to put the Martello towers in order—to produce the swivel guns that had been laid up since the last war, and then they might laugh to scorn a French invasion. He (Mr. B. Osborne) must say, that he believed no money had been more completely thrown away than that expended in the construction of the Martello towers. He had been obliged to refer to what was said by the hon. Member for Bedford for want of any other arguments in favour of the measure; and, whatever objections he might have to the principle of this Bill, he would confess at once that he did not found those objections on the views and principles of the Peace party in or out of that House; but, at the same time, he hoped he would never be found to undervalue the exertions or to impeach the motives of that truly benevolent body of men. It was very easy to deride the efforts and to laugh at the theories of those men; but he would remind hon. Gentlemen that what they thought so novel and enthusiastic, the products of a distempered imagination, were promoted by some of the wisest and greatest men of ancient times; by no less a person than Plato, and, passing by the Divine Founder of our religion, and coming down to later times, they found that sovereigns like Henry IV. of France, and our own Elizabeth, had formed a plan of general pacification on the same principles; and coming down to a still later period, the great Spanish statesman Alberoni declared that such a scheme was not unworthy of his consideration. Far from depreciating the efforts or the motives of men who not only preached but practised the principles of general benevolence and good will, he concurred with them in opinion that, whoever reviewed the history of our past Continental wars would come to be of opinion with a popular writer, that taxes had been raised not to carry on wars, but that wars had been raised to carry on taxes; and he believed the large majority of that House would not dispute the proposition that the greatest glory of war was only an occasion of taxation, and that the most expensive luxury of the day was a successful general. But at the same time he drew a material distinction between armies raised for the purposes of foreign aggression, and armies for the purpose of home defence; and he would submit to those Gentlemen—if there were any such—who doubted the lawfulness of defensive war, that in the Utopia of the learned and pious Sir Thomas More, though he depicted a society in all the enjoyment of perennial happiness, detesting war, despising glory, and prohibiting alike lawyers and soldiers, neither allowing Martello towers, nor briefs in Chancery; yet even he did not debar the natives of his Happy Island from the use of arms, when their liberties were attacked; but they were allowed to fight in defence of their laws and institutions. Now, he could not imagine that anybody, either in that House or out of it, would be more Utopian than the Utopians themselves. He must say, for himself, that he could not look upon the present state of the Continent of Europe with satisfaction, filled as it was with gigantic armies and with reactionary rulers at the head of these armies; and that the Parliament of this country was fully justified in reviewing the capabilities of the defences of this country, and putting them into the most efficient state. It might be very well, though he could hardly follow the hon. Baronet the Member for Bedford through his medley of Martello towers, rifles, and Louis Napoleon, it might be very well for the hon. Baronet to say that he had confidence in Louis Napoleon. He (Mr. B. Osborne) did not wish to say anything that would trench upon the feelings of the most fastidious Frenchman, but he could not say that he shared in the hon. Baronet's confidence. He thought it was natural that a man who had been raised to power by the military order, should act in accordance with military prejudices. And after all, what did the hon. Gentleman say? I have confidence in Louis Napoleon; but for all that double your Army—increase your rifle corps—man your Martello towers—get ready your swivel guns—but still I have great confidence in Louis Napoleon. It was better to say at once they had no confidence in Louis Napoleon, and they had no right to have confidence in him. He was surprised that no hon. Gentleman had ever quoted in the House the revelation which was made by M. Thiers in the Chamber of Deputies in 1851, which told heavily against Louis Napoleon, and which would amply justify the Government in seeing that the defences that they had—and which he maintained were amply sufficient—were put in a most efficient state. On the 17th of January, 1851, M. Thiers told the French Chamber that in an interview he had with Louis Napoleon, the President said that it was necessary to occupy the public mind in France, and that to do that it would be necessary to undertake some great enterprise abroad which would captivate the attention of the masses, and attach them to the Government. He thought Government must be blinded indeed, if, after that, they did not take every precaution to put the defences of the country in the most efficient state consistent with the large sums of money they voted for that purpose. But in granting that, he thought that Ministers were bound to supply fuller and greater information as to the state of the defences, and of the condition of the Army. Had any statement of that kind been made to the House? They had from year to year enormous estimates submitted, and yet no satisfactory account was ever given of the manner in which the money was laid out. He was prepared to say, that the sums annually voted were quite enough for national defence, without either militia, Martello towers, or riflemen. We might take a lesson from the way in which the French estimates were prepared in 1848, from which it would appear that in one sense the old proverb was true, and that one Englishman was still worth two Frenchmen, for an English soldier was just double the cost of a French soldier. He had the French estimates in his hand, and he would read one or two extracts from them to show that our service was managed in the most extravagant and reckless way, and that we should do well if we took a leaf out of our next neighbour's book. The English Army consisted of 113,287 men, and it cost 9,337,000*l.*, or 82*l.* 8*s.* 4*d.* a soldier. The French Army in 1848 was composed of 338,653 men, and cost 12,183,000*l.*, or 41*l.* 12*s.* 8*d.* per man. But he would go further. What was the number of generals in the English service? We had no less than 117 generals for an Army of 113,287 men, while the French Army, which in 1848 was treble, and was now quadruple the amount of our force, had but eight marshals and 143 general officers. He would take also the staff of the two armies, and compare the proportionate expense incurred. In the English Army the charge for the effective service was 3,270,000*l.*, or about 38¼ per cent upon a total expenditure of 9,337,000*l.*, while the French staff cost but 2,260,000*l.*, which was a charge rather under 19 per cent on an expenditure of 12,183,000*l.* When, therefore, hon. Gentlemen talked of the country not being in a proper state of defence, he would advise them to look a little into these French estimates; and the House would bear in mind that in this comparison no account whatever was taken of the dead weight. He found also that the French soldiers, being clothed on a system of open contracts, were clothed at 12*s.* a head less than our own soldiers, though their uniforms were furnished in a country which ought to be the cheapest country in the world for woollen clothing. Another thing which he found was this—that in the French Army, trebling our own in amount, military justice was administered at a cost of 8,000*l.*, while in the English Army it cost 32,000*l.* When it was known that the French Army was kept in the highest state of discipline and efficiency, at one half of the cost of the British Army, it was clear that there was something amiss in the conduct of our departments. There must be something wrong in all this. There must be some great waste somewhere. The money which the House of Commons voted annually for military purposes could not be laid out to the best advantage, or else why was so great a difference observable in the French estimates and our own? It was true that we spent but 22,000*l.* in powder, while the French outlay for that article quadrupled that amount; and the French soldier was armed with the Minié rifle, and equipped with every improvement suggested by modern military science, while the English soldier was only supplied with the miserable musket. He repeated that it was evident that something wrong was going on, and that the House ought, before they agreed to the third reading of the Bill, to insist on some better information being given on the subject of military expenditure than had been afforded. He thought that if an intelligent foreigner had come into the House during the debate on the introduction of the Bill, he would have been rather surprised to see the Home Secretary, who was very skilful, no doubt, in the conduct of a Chancery suit, coming forward to propose that 50,000 men should be raised to form a militia. What could the right hon. Gentleman a Chancery Barrister and Home Secretary know about military matters? In saying this, he did not attribute any blame to the Minister of the day; what he found fault with was the system. He thought these matters ought to be in the hands of a War Minister, who ought to be able to explain to the House the condition of the Army, and the nature and extent of our resources. The consequence of the present system was, that the House was about to pass a Bill in a panic, which no one in his heart believed to be of any service, and which the majority of military men, and all civilians, with some few exceptions, believed to be inefficient for its purpose. He said, "with some few exceptions," because he had perceived to-day in the papers an address from the right hon.

Gentleman the Chancellor of the Exchequer to his constituents in Buckinghamshire—the confiding farmers who believed in him. The right hon. Gentleman recounted in an address those rapid acts of statesmanship for which he wished his Government to go down to the admiration of posterity. The right hon. Gentleman plumed himself on one "as a measure of internal defence, which it is believed"—the right hon. Gentleman did not state his own opinion on the subject—"will soon prove both popular, economical, and efficient." He (Mr. B. Osborne) would take leave to parody the words of the right hon. Gentleman, and to assert his belief that this "internal defence" would soon become an internal complaint, which would prove neither economical nor beneficial. He was very much mistaken if even the confiding farmers of Buckinghamshire did not ask the right hon. Gentleman some more questions about the origin of this Bill. He was rather surprised to find that the right hon. Gentleman should have assumed the parentage of this measure; but he was prepared to prove that he was only its putative father, and that he really had nothing to do with such a miserable abortion. He could prove that the idea was taken by the Home Secretary from a pamphlet written in 1848, by Mr. Frederick Hill, inspector of prisons, under the title of *An Economical Defence of England from Internal Tumult and Foreign Aggression*—but with the omission of some of its most useful suggestions, an omission which would remind the House of two tolerably well-known lines:—

> "Quem recitas meus est, O Fidelline, libellus,
> Sed malè cum recitas, incipit esse tuus."

Every hon. Member recollected the proposition which the right hon. Gentleman made to give militiamen a vote after two years' service; and they also remembered the most sudden fit of Parliamentary repentance on record, when the right hon. Gentleman came down to the House on the following Monday, and said that he did not mean to give them a vote. There was a great variety of opinion about this movement. Some said that the tendencies of the right hon. Gentleman were democratic; others, that the proposal was a joke of Lord Derby's. But it was no joke at all. He believed that the Government had deliberately weighed the proposal, but it was none of their thunder. He knew where the right hon. Gentleman stole it from. He took it from a speech of Mr. Windham's in 1805, who proposed to induce soldiers to enlist by giving their sergeants a right to shoot game. This Bill bore on its face the marks of hasty compilation. It was a piece of political patchwork, not intended for the defence of the country, but for the political exigencies of a Ministry in its last moments. The country did not want it, it had no belief in it, and, what was more, it would be of no use to the country. There was a perfect apathy about it out of doors, and no one out of the House talked about Martello towers. But then it was said, "Let us have an army of reserve." The right hon. Gentleman seemed to think that it was enough to put a man in a red coat, and make him shoulder a musket, to make him a soldier. He should have supposed that he had read Mr. Windham with sufficient attention to satisfy himself that mere numbers were not a sufficient defence of a country. The right hon. Gentleman proposed to raise the militia by giving a bounty, which it was clear would operate most unequally in different parts of the country. In the rural districts it would deprive the farmers of a great deal of labour, probably when they most wanted it; while in the manufacturing districts, where the bounty would be of no avail, the Government must resort to the ballot—a proceeding contrary to the "genius of the epoch," which no statesmen ought to disregard. With regard, however, to this army of reserve, the right hon. Gentleman the Secretary for the Home Department told the House with considerable *aplomb* and confidence, that he proposed to make them efficient soldiers by drilling them for twenty-one days. He was really quite astonished at the simplicity of the right hon. Gentleman. Where had he been living all his life? Had his briefs been so numerous in the Court of Chancery that he knew nothing of the organisation of arms? He defied Her Majesty's Ministers themselves, though he admitted they were active recruits, to acquire a knowledge of their profession in twenty-one days. He admitted that the noble Lord at the head of the Government had shown much skill in performing a rather difficult evolution—namely, changing front in the presence of his adversary. He admitted also that the right hon. Gentleman the Chancellor of the Exchequer was very skilful in light-infantry movements, and that he had shown that he knew how to advance and retreat in the budget. The right hon. Gentleman the Secretary for the Home

Department was rather slow in his movements, but no doubt he would soon improve; and as for the hon. and learned Gentleman the Solicitor General, he was an old soldier, who would serve under any officer, and give fire anywhere. But for all, he denied that twenty-one days were sufficient to impart any other military training than the rudiments of the goose-step. This organised force, therefore, would not even be valuable as an "organised hypocrisy;" they would know the worth of it on the other side of the Channel, and put it down as a paper army, and it would be more likely to invite an invasion than to repel it. The right hon. Gentleman went on to propose that after five years' service the militiamen should become *émérités,* and fall back into the reserve. Was it not clear, then, that the House was presiding at the creation of an irregular horde, who would be more dangerous to their countrymen than to anybody else? Mr. Pitt had been put forward as an advocate for a militia force; but Mr. Pitt's opinion was that the militia should be brigaded, and have a regular staff. But the Government were afraid to ask the country for that. He would remind them that, when a Gentleman who resembled in his amiability and general want of understanding on these points the right hon. Gentleman the Secretary for the Home Department proposed that the militia should be drilled for twenty days, Mr. Pitt said he would ask any thinking man whether it was possible to teach them their regimental duty in that time? He would ask the right hon. Gentleman the President of the Board of Control (Mr. Herries), who might have heard Mr. Pitt speak, whether he thought it possible that an efficient soldier could be formed in twenty-one days? He was astonished that the Chancellor of the Exchequer should have sought to imitate, not Mr. Pitt, but Pompey the Great, who vainly boasted that he could raise legions by stamping with his foot. The right hon. Gentleman seemed to imagine that he could act as Pompey thought he could; but he (Mr. Osborne) cautioned him that he was more likely to fall to the level of the famous hero in the farce, and that when he had got his 50,000 men he would have to say, "Begone, brave army, don't kick up a row." The whole Bill was in his eyes a miserable abortion; but one clause in it was so obnoxious, that he thought Her Majesty's Ministers, who on the eve of a general election might be anxious for some little popularity, and to consider "the genius of the epoch," would do well not to exempt Peers from the ballot. The exemption was an insult to the aristocracy, because, whatever their faults might be, they had never shrunk from coming forward in the defence of their country; and, therefore, on the part of the House of Lords, he almost felt inclined to resent this insult upon them. Hon. Gentlemen who had spoken in favour of the Bill had appealed to the example set by the American militia in the war of independence; but the Americans achieved their independence not by their militia, but by our mistakes. No man ever made greater complaints, or entertained a greater contempt for the militia, than Washington. In 1776 Washington said—

> "It takes two or three months to bring new men acquainted with their duty; it takes a longer time to bring people of the temper and genius of these into such a subordinate way of thinking as is necessary for a soldier."

In September, 1776, after the battle of Brooklyn, Washington, writing to the President, said—

> "Our situation is truly distressing. . . The militia, instead of calling forth their utmost efforts, are dismayed, intractable, and impatient to return. Great numbers of them have gone off, almost by whole regiments. With the deepest concern, I am obliged to confess my want of confidence in the generality."

Again, in December of the same year, Washington, in a letter to his brother, said—

> "If every nerve be not strained, the game is pretty well up, owing in great measure to the insidious arts of the enemy, but principally to the ruinous policy of short enlistments, and placing too great a dependence on the militia."

Hon. Gentlemen pointed also to the French National Guard as an instance of what a militia could do; but what did General de Grammont say? He stated that on the 28th of June, 1848, out of 237,000 National Guards of Paris, only 8,000 men could be prevailed upon to muster for the defence of the institutions of the country. He hoped the House would not be led away—not by any eloquence which had been delivered that evening, but—by any fear of danger, to agree to the third reading of this Bill. They were about to do the most inconsistent thing in the world, for they were about to pass a Bill at the instigation of Ministers, in whom no one had any confidence on the Opposition side of the House, and, he believed, very few on the other. He called upon the reasonable portion of the House to pause before it gave its assent to the Bill. If protection for the nation were wanted, it could most readily be obtained from the "wooden walls" of England," and from giving full scope to the development of volunteer rifle corps. He called upon the House, in the words of a late Minister, to pause, lest, while they were taking precautions against a French army, they fell victims to a designing Ministry; and, in conclusion, he called upon the House not to agree to a measure which had been brought forward in the hurried scramble of a party to power, and which had been discussed in the panic of an expiring Parliament.

The SOLICITOR GENERAL said, there were two questions for the consideration of the House: first, whether in the present state of the country and of Europe it was necessary to strengthen our national defences; and, next, was the militia the fittest means of so strengthening those defences? The hon. Gentleman who had just sat down had referred to the authority of Mr. Pitt and other eminent persons in support of his views; but if the House were to regard authority in the matter, the Bill before the House would not stand without support, for the great Soldier who commanded our Army, and the distinguished General now at the head of the Ordnance Department, concurred with every statesman of the day that at the present time it was essentially necessary to add to our national defences, and that it was by a militia that that addition should be supplied. By the Ministry of the late Sir Robert Peel the necessity was recognised, and instructions were given to prepare a Bill on the subject; and the noble Lord (Lord J. Russell) at the head of the late Government thought it necessary to introduce a Bill which, though different from the measure of the present Government in some of its details, distinctly acknowledged the principle of an increase of our defensive force by means of a militia; and it could not be denied that the time had arrived when it was the common duty of Government to bring forward a measure for that purpose. But hon. Gentlemen had that night directed their opposition, not so much against an increase of their defensive force, as against the present measure, and they argued in favour of an increase of the regular Army in preference to a militia. He could understand their argument if the increased defences were asked for after a sudden emergency, or after a declaration of war from France; but at the present time, if the proposal to increase the regular Army had come from Her Majesty's Government, it would have been met by a storm of opposition from the very Members who now brought it forward as a counter proposition. From the Revolution the constitution and legislation of this country had been directed against any increase in the standing Army; and yet it was from those who boasted that they represented the Whigs of 1688 that the argument first came, that if the country was to be defended it should be by an increase of the regular Army. He could not help expressing his surprise at such inconsistency. How long did they think, if such an increase in the standing Army were granted, it would be maintained? In case of the danger occurring which was so justly apprehended, it was on a force like the militia they must rely to man their forts and garrison their towns while the regular Army was in the field. As to the hon. Gentleman's (Mr. B. Osborne's) allusion to the Navy, he must observe that while admitting the great advantage of an efficient Navy, that various casualties, such as adverse winds, orders misunderstood, and various other circumstances, might arise in the critical juncture to expose their shores to hostile incursions, and in such a case the advantage of an organised military defence with the limits of the Kingdom were abundantly obvious. He trusted the amicable relations which now subsisted between us and foreign countries would long continue; but he asked the House to pass this Bill, on the plain principle that the best means of preventing an attempt at invasion was to show foreign countries we were prepared to meet it.

Mr. PETO was sure that not a man in the House felt he could rely on the proposed force with confidence. While talking of the means of invasion which had sprung up recently, they forgot that they had also obtained new means of defence. They could speak to their allies, to Vienna or to the sister country, in one day, and bring all their friends to assist them in case of danger. It could not be denied that the Government were by this measure disturbing the industry of the country. It was an attempt at a species of defence which was calculated to alienate the feelings of the people; while, at the same time, it was a measure that must prove utterly inefficient in the event of an actual invasion. There existed throughout the country an intensity of feeling against the measure, of which the Government appeared to be but little conscious, and he thought that if there were any real danger, the most politic course would be to augment the Army and Navy.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 220; Noes 148: Majority 72.

List of the Ayes.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Bagge, W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Broadwood, H.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Butler, P. S.
Butt, I.
Campbell, hon. W.
Campbell, Sir A. I.
Carew, W. H. P.
Cayley, E. S.
Chandos, Marq. of
Charteris, hon. F.
Chatterton, Col.
Child, S.
Childers, J. W.
Christopher, rt. hn. R.A.
Christy, S.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Coles, H. B.
Collins, T.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, Ald.
Currie, H.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Fox, R. M.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Gallwey, Sir W. P.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Gooch, Sir E. S.
Goulburn, rt. hon. H.
Granger, T. C.
Greenall, G.
Greene, T.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Heard, J. I.
Heathcote, Sir G. J.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hotham, Lord
Jermyn, Earl
Jocelyn, Visct.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A. G.
Leslie, C. P.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Masterman, J.
Matheson, Col.
Maunsell, T. P.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Sir D. J.
Owen, Sir J.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Pennant, hon. Col.
Portal, M.
Prime, R.
Pugh, D.
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
Scott, hon. F.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Slaney, R. A.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Stuart, H.
Stuart, J.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Townley, R. G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Welby, G. E.
West, F. R.
Whiteside, J.
Williams, T. P.
Wodehouse, E.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Lennox, Lord H.

List of the Noes.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Bass, M. T.
Bell, J.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Carter, S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collins, W.
Crawford. W. S.
Crowder, R. B.
Currie, R.
Dalrymple, J.
Dawes, E.

Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Evans, Sir D. L.
Evans, J.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heywood J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hobhouse, T. B.
Hodges, T. T.
Horsman, E.
Hudson, G.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Langston, J. H.
Lushington, C.
Macgregor, J.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Melgund, Visct.
Milligan, R.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Norreys, Lord
Ord, W.
Osborne, R.
Parker, J.
Pechell, Sir G. B.
Peel, F.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Ricardo, J. L.
Rice, E. R.
Robartes, T. J. A.
Romilly, Sir J.
Sadleir, J.
Salwey, Col
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Smith, rt. hon. R. V.
Smith, J. B.
Smythe, hon. G.
Stansfield, W. R. C.
Strikland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Townshend, Capt.
Trevor, hon. T.
Tufnell, rt. hon. H.
Villiers, hon. C.
Vivian, J. H.
Willcox, B. M.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, Sir W. P.

TELLERS.

Rich, H.
Mackinnon, W. A.

Main Question put, and *agreed to.*

Bill read 3°.

MR. THORNELY then moved that the following proviso be added to Clause 18, which provided, that where men could not be raised by voluntary enlistment, Her Majesty in Council may order a ballot, namely—

"No member of the Senate of the University of London, nor any examiner, professor, tutor, or lecturer of the said University, or of any college, school, or institution connected with the said University under the provisions of any charter thereof; nor any student of any such college, school, or institution, duly matriculated in the said University, and actually receiving education in any of the said colleges, schools, or institutions; nor any resident member of the University of Durham, shall be liable to serve or provide a substitute for the militia."

MR. WALPOLE said, if they exempted the Universities of London and Durham, they ought likewise to extend the exemption to the members and students residing at St. David's College, Lampeter, and he begged to move accordingly.

MR. BRIGHT thought that the Owen's College, Manchester, which was in many respects a kindred institution to those which it was sought to exempt from the operation of the clause, ought also to be included within the exemption. There was also a large college in the neighbourhood of Manchester, intended for the education of ministers of the Independent body of Nonconformists, as well as several others in different parts of the kingdom. He could not discover any reason why those colleges embraced in the proviso of the hon. Member (Mr. Thornely) should be exempted, and why other colleges of much the same character should be differently treated, especially those where young men were being trained to the Christian ministry.

MR. EWART thought the College of St. Bees stood in the same category with reference to the claim of exemption.

MR. WALPOLE said, that the so-called College of St. Bees was rather a school than a college. With respect to the colleges referred to by the hon. Member for Manchester, they would be exempted in virtue of their connexion with London University.

Amendments agreed to.

MR. W. WILLIAMS moved to leave out from the word "enrolled" to the word "whenever" in Clause 18. [Several VOICES: Clause 16.] It was Clause 16 in the original Bill, but it was Clause 18 in the amended Bill. The clause would establish a system of conscription, which ought not to be endured by the people of this country.

Amendment proposed, in p. 6, l. 33, to leave out from the word "enrolled," to the word "whenever," in p. 7, l. 6.

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. WALPOLE reminded the House that the clause had been amply debated in

Committee, and a division taken upon it. He put it to the hon. Gentleman, therefore, whether it was worth his while to put the House to the trouble of again dividing upon it. He begged further to remark that in the clause as it stood there was nothing of a compulsory nature—there was nothing which made it obligatory upon the Executive Government to put the ballot in force in case the system of voluntary enlistment should fail. It was a mere permissive clause, enabling the Crown to put the ballot in force in case of necessity. If they left out the clause, they must also leave out the proviso at the end of another clause, which restrained the Government from putting in operation the statute of George III., and that would leave the Government, not with the power merely, but actually under the obligation, to put the ballot in operation, in case they failed to raise the required number of volunteers. He believed, therefore, that the Bill, as it stood, was much more likely to carry out the object in view by leaving a permissive power to Government, than if they compelled them to have recourse to the ballot.

Question put.

The House *divided* :—Ayes 187; Noes 142: Majority 45.

On the Motion of Sir De L. Evans,

The following proviso was agreed to at the end of the 34th Clause :—

"Provided always that, notwithstanding anything herein contained, the provisions contained in the Act of the 44th year of King George III., chap. 55, entitled 'An Act to consolidate and amend the provisions of several Acts relating to corps of yeomanry and volunteers of Great Britain, and to make regulations relating thereto, shall continue in force, so far as the same applies to the enrolment of corps of yeomanry and volunteers, and the exemptions to which such corps are entitled by virtue of the last mentioned Act."

Sir De LACY EVANS then moved a proviso to Clause 35, to the effect that the ballot should not be resorted to except in time of war, or when the danger of an invasion was imminent.

Amendment proposed—

"To add the words, 'Provided always, notwithstanding anything herein contained, or contained in any former Act, that it shall not be lawful to order men to be balloted for the Militia, unless in time of actual war, or imminent danger thereof.'"

Mr. WALPOLE objected to the proviso. This question had, he thought been finally settled by the division which had just taken place.

Mr. CHISHOLM ANSTEY said, though the last division had been upon Clause 18, it appeared upon the notice-paper as on Clause 16, and he was sure many hon. Gentlemen had voted under the impression that they were voting on the 16th Clause, which related to the administration of oaths to volunteers. He did not think, therefore, that that division afforded a fair test of the feeling of the House, and he requested the hon. and gallant Member to press his Amendment to a division.

Mr. TENNYSON D'EYNCOURT supported the Amendment. The Bill as it stood made the ballot possible at any time and under any circumstances; which was repugnant to the genius of the British constitution and to the age in which we lived. The Amendment, if agreed to, would impose an important and salutary check. He hoped the hon. and gallant Member would take the sense of the House upon the Amendment.

Mr. GOULBURN asked the House to consider what would be the effect of the proviso proposed. He understood it was an Amendment to Clause 35; and, that being the case, the effect would be to exclude the miners of Cornwall from the ballot, while the ballot was rendered applicable to every other class of men in the country. He hoped the House would negative the proposition.

Question put, "That those words be there added."

The House *divided* :—Ayes 82; Noes 178: Majority 96.

List of Ayes.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Armstrong, R. B.
Bell, J.
Bernal, R.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, S.
Clay, J.
Clifford, H. M.
Cobden, R.
Cogan, W. H. F.
Crawford, W. S.
Crowder, R. B.
Dawes, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Evans, J.
Ewart, W.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Jackson, W.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.

Macgregor, J.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Matheson, Col.
Melgund, Visct.
Milligan, R.
Moffatt, G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
O'Brien, Sir T.
Osborne, R. B.
Pechell, Sir G. B.
Peto, S. M.
Pilkington, J.
Rice, E. R.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Smith, J. B.
Strutt, rt. hon. E.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Vivian, J. H.
Wilcox, B. M.
Williams, J.
Williams, W.
Wilson, M.
Wyld, J.

TELLERS.

Evans, Sir De L.
D'Eyncourt, T.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bennet, P.
Beresford, rt. hon. W.
Boldero, H. G.
Booker, T. W.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Broadwood, H.
Brooke, Lord
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Butler, P. S.
Butt, I.
Campbell, Sir A. I.
Carew, W. H. P.
Chandos, Marq. of
Chatterton, Col.
Childers, J. W.
Christopher, rt. hn. R. A.
Christy, S.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Collins, T.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Deedes, W.
Disraeli, rt. hon. B.
Dod, J. W.
Duckworth Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Ebrington, Visct.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Gallwey, Sir W. P.
Gilpin, Col.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Goulburn, rt. hon. H.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Heard, J. I.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hotham, Lord
Hutt, W.
Jermyn, Earl
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Legh, G. C.
Lemon, Sir C.
Leslie, C. P.
Lewisham, Visct.
Littleton, hon. E. R.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Newport, Visct.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Pennant, hon. Col.
Portal, M.
Prime, R.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, Lord
Stuart, H.
Stuart, J.
Sturt, H. G.
Sutton, J. H. M.
Tennent, Sir J. E.
Thesiger, Sir F.
Trevor, hon. T.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Williams, T. P.
Wodehouse, E.
Wortley, rt. hon. J. S.
Wynn, H. W. W.
York, hon. E. T.
Young, Sir J.

TELLERS.

Mackenzie, W. F.
Lennox, Lord H.

Bill *passed.*

NAVY PAY BILL.

Order for Committee read.

House in Committee.

SIR GEORGE PECHELL desired to know if it were intended by this Bill to leave three months' pay in arrears instead of six months'?

MR. STAFFORD: Yes.

MR. SIDNEY HERBERT: Where is the necessity for any alteration? In what manner does the present system work ill?

MR. STAFFORD said, that by the present Bill the pay of seamen of the Royal Navy was never to be more than three months in arrear, instead of six. The latter arrangement was unpopular with the seamen, and contrasted unfavourably with the practice in the merchant service. The provision for six months' arrears was passed as a precaution against desertion, and as such it was now found to be unnecessary, since the condition of the seamen of the Royal Fleet had been so much improved.

Admiral STEWART thanked the Government for bringing forward the measure, which would be very gratefully received by the seamen. Take the seamen on board the *Excellent;* practically they did not get their pay until the end of the first twelve months, and they were thus driven to various expedients for raising money. He heartily concurred in the measure, which would tend to make our naval service so popular that, without giving up the right of impressment, it would be needless to exercise it. He regretted that the Government had given up the plan of the naval reserve, which would have been most beneficial, and the difficulties in the way of it had been overrated.

Captain SCOBELL concurred in thinking the Bill, as far as it went, would make the Navy popular. He wished to ask the Secretary to the Admiralty whether it affected seamen on foreign stations—because most of our Navy served abroad?

Mr. VERNON SMITH also inquired whether it would add to the expense of the country?

Mr. STAFFORD replied, that it would not occasion one farthing's additional expense; and that the measure would apply to seamen on foreign stations.

Clause *agreed to.* Bill *reported.* House *resumed.*

METROPOLITAN SEWERS BILL.

Lord JOHN MANNERS moved for leave to bring in a Bill to continue and amend the Metropolitan Sewers Act. It was simply a Continuance Bill, and he proposed in it to exempt agricultural land from three-fourths of the charge, which, he thought, had most unjustly fallen upon it.

Sir BENJAMIN HALL said, he thought the question of charging the agricultural districts with a smaller amount of rates was one of too much importance to be opened in a mere Continuance Bill. He should, therefore, give that part of the measure the most strenuous opposition, and he hoped the other Metropolitan Members would do the same.

Viscount EBRINGTON remarked that the Act in its present state was quite unworkable, from the amount of legal technicalities with which it was embarrassed, and with which no exertion on the part of the officers engaged in carrying it into effect would enable them to cope. He wished to ask the noble Lord whether he was borne out by the opinion of the Commissioners of Sewers with respect to the single clause which he proposed in addition to those parts of the Bill which related to the continuance of the existing Act?

Leave given.

Bill read 1°.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 8, 1852.

Minutes.] Public Bills. — 1ª Militia; Passengers' Act Amendment; Scutch Mills for Flax (Ireland).

2ª London Necropolis and National Mausoleum; Corrupt Practices at Elections; Public Works; Industrial and Provident Societies; Surrender of Criminals (Convention with France).

Reported.—Law of Evidence (Scotland).

3ª Registration of Births, Deaths, and Marriages.

LONDON NECROPOLIS AND NATIONAL MAUSOLEUM BILL.

On Motion that the Bill be now read 2ª,

The Earl of SHAFTESBURY rose to oppose the second reading. He thought their Lordships ought to pause before they gave their assent to this measure. They ought at least to satisfy themselves as to the probable success of the proposed plan; for by rashly increasing the number of these joint-stock companies, which must of necessity be broken up before any general system of extramural burial could be carried out, they would greatly increase the difficulties against which the Government would have to contend. There were several objections to this particular scheme. In the first place, there was the great distance of this necropolis from the metropolis. Then it was quite clear that, as soon as the graveyards of the metropolis were finally closed, there would be a great competition among the existing cemetery companies in order to secure the greatest number of corpses. The calculation of this company was, that it would be able to secure for itself one-half, if not two-thirds, of the corpses of persons dying in and about London. He considered that this was an exaggerated calculation. If it gained anything like such a number, it would find itself under the necessity of bringing half the number of those corpses to the Waterloo station from the distance of six, seven, or eight miles, from the different districts of London. If it could not secure 30,000 or 40,000 corpses annually, it would not be able to meet its preliminary expenses. He protested also against the passing of this Bill into law, on the ground that it was subversive of the principle of the Act which the House had passed last year (the Metropolitan Interment Act), upon the discussion of which a most emphatic opinion was expressed against any private speculation in the burial of the dead. The plan proposed by this company was exceedingly objectionable; and he was therefore most anxious to lay before their Lordships his objections to this measure, and to call their attention to the consequences which would result under its provisions, if it were passed into law. First of all, he understood that the corpses were to be collected in great numbers, and were to be deposited in the dry arches under the Waterloo station, until it suited the railway company to convey them to the necropolis. They were to be sent to the station at night; the mourners were not to be allowed to accompany them, but were to meet them at the cemetery the next morning, or, it might be, later; and thus they were to be separated from their deceased relatives or friends at any rate for twenty-four hours. This would be a deep wound to the feelings of individuals, and a gross violation of public decency. His next objection was to those provisions of the Bill which made provision for the interment of paupers, who were to be buried as cheaply as possible. When these pauper corpses reached the place of interment, no distinction was to be made in the ground in which they were to be buried. The artisan might be interred in a single grave, with a guarantee that it should not be opened again within seven years. The paupers, however, were to be interred in a common grave, and the company were to be at liberty to reopen the grave-ground of the paupers as often as they pleased. To this provision he objected, not only on the score of public health, but also on the score of public decency, and of our common humanity. He had seen the consequences of this practice in France and some other parts of the Continent, and to him it appeared that nothing could be more revolting and disgusting than the system by which men could be thrown by hundreds into one common hole, which might be opened and reopened at the pleasure of the directors of the cemetery, for the reception of additional corpses. He hoped that the House would defer to public feeling on this subject, and that it would, at any rate, so far improve this measure as to prevent it from inflicting a great and oppressive evil on the noblest sentiments

of our common nature. He would not offer any opposition to the second reading of the Bill, as he believed that its object was to remedy a great and crying evil, but which evil he believed might be removed without doing violence to public feeling.

The BISHOP of LONDON expressed his concurrence in the objections taken to this measure by the noble Earl. If the Government had interfered to carry out the measure proposed last year by the Board of Health, great benefits must have accrued to the metropolis, and many of the mischiefs now so justly complained of would have been removed. He entertained great doubts as to the propriety of allowing any private parties to speculate in a traffic in the dead. In populous districts the interment of the poor ought to be a matter of public supervision, and the increase of the number of private companies formed for objects similar to those contemplated in this Bill, would generally interfere with the carrying out of a system of effective supervision. He hoped that the noble Earl would introduce into this Bill, such Amendments as would prevent many of the evils which must flow from it if passed in its present state.

The EARL of CHICHESTER, who was quite inaudible, was understood to support the Bill.

The EARL of CARLISLE said, he should have had great reluctance in assenting to the second reading of a private Bill of this description, if he had seen any chance of the passing of a general public Act on the subject. But, as he considered that there was no chance of any such measure, he would not deny to the promoters of it an opportunity of having it considered in Committee. When he saw the Amendments which were made in Committee, he should be able to decide whether he would support the Bill on its third reading.

On Question, *Resolved* in the *Affirmative:* Bill read 2^a accordingly, and *committed.*

SURRENDER OF CRIMINALS (CONVENTION WITH FRANCE) BILL.

Order of the Day for the Second Reading read.

The EARL of MALMESBURY moved that their Lordships now gave the Second Reading to this Bill, and said that this Bill was intended to give the sanction of Parliament to a Convention which he had recently signed with the French Ambassador in London, of which the object was the mutual surrender of criminals in France and England to the respective Governments of those countries. Up to the present moment, the two countries had not been placed on an equal footing in this respect; for the Convention made between the two Governments in 1843, whilst it enabled us to recover English criminals from France, did not give practically to France the same facilities for acquiring the surrender of their criminals from this country. The reason of the difficulty, as respected France, arose from the difference between their and our laws with regard to the powers given to magistrates to commit offenders for crimes perpetrated without their jurisdiction. There was a great difficulty in proving the identity of French prisoners on oath, and it was impossible for magistrates in this country to detain prisoners sufficiently long to enable evidence to be obtained from the other side of the Channel, to establish the identity of the persons apprehended. The consequence was, to place France in the condition of having only a negative Convention; so much so, that out of fourteen warrants which had been issued for the surrender to her of criminals by this country, no less than thirteen had miscarried, owing to the state of the law here. Thirteen of these criminals escaped; one only was surrendered, and that was owing to his having been apprehended in the island of Jersey. It was unreasonable to suppose that such a state of things as this, so unfair towards France, could continue to exist without remonstrance, and without some effort being made by the Government of that country to remedy it. The Convention to which he had alluded was made in the year 1843; and he believed that in 1845 the noble Earl opposite, then Secretary of State for Foreign Affairs (the Earl of Aberdeen), intended to improve that Convention, and that a deed was actually drawn up for the purpose. But, for some reason or other, the plan never came to maturity; and he (the Earl of Malmesbury) was informed, that from the year 1848, when the French revolution took place, no more notice was taken of the subject by the French Government until the present year, when the noble Earl who preceded him in the Foreign Department (Earl Granville) and the French Ambassador in this country prepared the Convention which he had recently laid on the table. This new Convention extended the number of crimes for which mutual surrender of criminals might be made; and, in order that some security should be given against the surrender of political offenders to the French Government, especially since the events of 1848, the Convention also contained an article which he hoped would give those persons entire security from any attempt on the part of that Government to issue warrants for breach of municipal laws, but in reality for political offences. He must say, in favour of the French Government, that they had met upon this point with great frankness and openness; and he was authorised by the French Ambassador to declare that any article which the wisdom of Parliament or the ingenuity of our legal profession could invent or draw up that would positively secure political offenders from being surrendered, and prevent any use of the Convention that might fall upon political offenders, he was authorised to state the French Government would be ready to accept. It was for their Lordships to consider, therefore, in Committee, whether they could in any way add to the provisions proposed by the Bill for the security of political offenders; and whatever they in their wisdom might please to do, he should be happy to accept on his own part and on the part of the French Government. He was quite aware that improvements might be made, but it was a matter of importance that the law should not continue one-sided. The French Government had waited a long time in hopes of having a Convention which would act fairly for both parties; and if eventually they found it was of no use to them, whilst it did act properly for this country, they would naturally cancel the Convention altogether, and then we should lose the advantages we at present enjoyed, and which it was so desirable we should continue to enjoy.

Moved, "That the Bill be now read 2ª."

The Earl of ABERDEEN said, he was very much afraid that the noble Earl was not sufficiently impressed with the great difficulties incident to the subject which he had taken under his consideration. Had that not been the case, he would scarcely have proposed to read a second time such a Bill as this to-day, of the second reading of which he had only given notice yesterday. And even now he (the Earl of Aberdeen) feared this Bill could not receive that consideration from their Lordships which the subject so well deserved. The object which the noble Earl had in view was no doubt most desirable—so much so, indeed, that it appeared scarcely credible that two countries, situated as England and France were, with such constant intercourse and communication, should have existed so long without some such provisions having been made as were proposed by the Bill on their Lordships' table. But their Lordships might imagine how great the real difficulty of this subject was, when he told them that ever since the peace of 1815 the two Governments had been in constant and frequent communication on this subject; and that nothing had been found possible, or at any rate practicable, to attempt until in the year 1843 he concluded a Convention with the Count de St. Aulaire, the French Ambassador to the Court of St. James's at that day. In 1802, during the peace of Amiens, an attempt was made at a Convention; but war having followed so shortly after, thot Convention never came into operation. In framing the Convention which he concluded in 1843, he took for a precedent the crimes specified in the convention of 1802, namely, only the three crimes of murder, forgery, and fraudulent bankruptcy. It was perfectly true, as the noble Earl stated, that it had been found perfectly impossible to comply with the demands of the French Government for the surrender of criminals accused of those offences; while on the other hand the French Government, he believed, in every instance had found no difficulty in surrendering similar offenders claimed by this country. Clearly, therefore, some remedy for such a state of things was required. It was true, as the noble Earl had observed, that he (the Earl of Aberdeen) had tried to amend the Act of 1843 in the year 1845; but the noble Earl was mistaken in supposing that the proposition he had then made had not been carried into effect. The proposition passed into a law; but the only alteration that it made in the then existing state of things was to give the police magistrates of the metropolis power over French criminals, accused of these three different offences, over the whole of England, and which he was happy to see was preserved in the Bill now on their Lordships' table. He confessed he would rather see such a power placed in the hands of the police magistrates of the metropolis, than in those of the local magistrates throughout the country. He thought the security against abuse, which the existing law gave, was perhaps, if anything, too little. By the present state of the law, the security given to the persons whose surrender was claimed, was, that they should only be surrendered "when the commission of the crime was so established that the laws of England would justify their apprehension and committal for trial if the crime had been committed in England." That provision was a perfect security to this extent, that the fugitive surrendered should not be delivered up without having all the protection given to him which would be given to an Englishman in similar circumstances. But by the Bill proposed by the noble Earl, he perceived that nothing was required but to establish the identity of the person claimed. Now, there could be no difficulty as to identification; and he entertained some doubt whether it was desirable that no other protection should be given than the mere *mandat d'arret*, which was no protection at all to the person accused, if the mere letter of accusation was to be considered as sufficient proof of the commission of the crime. He entertained some doubt whether such a provision ought to meet with the sanction of Parliament; at all events, it was a perfectly new principle if they were to require no proof but the mere accusation in order to justify arrestment and surrender. He threw out those observations for their Lordships' consideration; and he could not help saying that although the provision to which he had referred, as contained in the law at present in existence, was a proper provision, he admitted that some alteration was necessary to enable us to comply with the requisitions of the French Government. There was also another point to which he wished to draw the attention of the noble Earl. There were but three offences provided for by the present law; but the present Bill sought to apply the power to twenty different crimes, for all of which it was very proper that the offender should be brought to trial, provided there were some proof that the offences had been by him committed. But were their Lordships quite sure that nothing else would be attempted under this new provision than the apprehension of offenders accused of some one or other of these imputed crimes? The noble Earl had stated that the French Government were anxious to prevent any political offences from being taken cognisance of under the semblance of violations of the municipal law. But it was necessary that some law should pass whichshould give proper effect to that desire. It appeared, also, that the Bill had reference to all such offences—to the number of twenty—as had been committed since 1843. Now he did not perceive the propriety of going back for a period of eight or nine years, instead of confining the Bill to a prospective operation. He had also to observe that although the noble Earl had said that the French Government would willingly agree to any alteration which would secure political offenders from coming under the provisions of this Convention, the noble Earl must be aware that any alteration of the Bill in that respect would almost of necessity make an alteration of the Convention. Having stated to their Lordships what occurred to him on the subject of the Motion before the House, he should not oppose the second reading of the Bill, though he looked at it with considerable apprehensions.

LORD BROUGHAM said, he entirely agreed with what had been said by the noble Earl who had just addressed the House, that this was a question upon which it was necessary to legislate. Nothing could be more clear than that it was scarcely consistent with the conditions of civilised society, that in two countries so closely connected by all the facilities which existed for perpetual intercourse, opportunity should be given for the escape of offenders who had committed the most atrocious crimes, merely by passing over the narrow channel which separated the two dominions. No doubt this subject was encumbered with many difficulties; and he happened to have the more knowledge of those difficulties from having frequently had communication with the French authorities here, in the hope of being able to devise some more effectual and satisfactory law than that which at present existed; but on all these occasions, the more they examined the subject, the more grave did they find those difficulties. For instance, if a charge was made against a man in France of having committed an offence in England, it was only necessary to take the English warrant to the French police, and to point out the offender, and he was at once given up. But it would not do in this country, when a person was accused of having committed an offence in France, to get a French warrant, and on finding him in England, to take him before a magistrate and say such a one was the party charged, and at once surrender him. In this country we must, at all events, prove that the individual whom they called John a Noakes, was the John a Noakes described in the warrant; but then some *primâ facie* case must also be against him, and it became necessary almost to enter upon a preliminary trial, before he was handed over to the authorities in his own country to be proceeded against in due course of law there. Hitherto, on the arrest of a party in this country charged with the commission in France of one of the specified crimes, the practice had been to take him before a magistrate, and produce the warrant; but as the parties generally were not able to identify him, he could not be detained. But he (Lord Brougham) hesitated to give, on the production of a warrant, with merely a proof of identity, power for the arrest in this country of a French subject, and the consequent surrender of that individual to the French Government, and his expulsion from this country, to be tried in his own. Such a proposal appeared to him to require a good deal of consideration under various aspects before it could be sanctioned by that House. By the seventh article of the Convention it was provided that no person so given up should be tried for a political offence; and that if a person was given up upon any other charge, and taken over to France, and there tried for a political offence, the proof of his surrender under this Act was by virtue of the Convention to be decisive in his behalf, and he would be entitled to an immediate acquittal. Now, their Lordships ought to assume that an analogous and corresponding law to this provision in the Convention would be passed in France. A provision was made in the treaty that the Convention should not come into force until a day named by both parties; consequently, until a law was passed in France for giving effect to the provision in the seventh article to which he had just referred, Her Majesty's Government would not name a day for the Convention coming into operation. Suppose, again, that the law which should be thus made in France were afterwards repealed, persons arrested under the English Act on other charges might be tried in France for political offences, although, while the supposed French law continued in force, the articles of the Convention would save them from such prosecution. Then it was said, what chance was there of any foreign Government being so base as to arrest an individual for a political offence under the pretence of arresting him for another offence, merely to get him into their power? That might be; but he thought some offences specified, such as fraudulent bankruptcy, left a large margin, within which persons might be improperly and unjustifiably arrested. He begged to bring under the consideration of the noble Earl a fact in the legislation on the other side of the Channel, where the Government always had what was called a "working majority," in the proportion of something like 242 to 3. He understood, while lately in Paris, that there was a Bill which, if it had not already been passed, would soon be the law of that country, and which contained an extraordinary provision. That provision was not at all confined to this country; it extended to all foreign States, but he would take the instance of this country. Not only might Frenchmen be tried in France for political offences committed by them in England, but their accomplices in those offences, being Englishmen, might also be tried in France. Nay, more—and he owned he was astonished to find it so—Englishmen, not charged as the accomplices of Frenchmen, but Englishmen themselves, without any accusation that they were in complicity with Frenchmen, might be tried in France for political offences committed by them in England, provided those offences were against the French Government, or, as it was called, against the public weal of France. He certainly saw that with extreme astonishment.

LORD MALMESBURY thought his noble and learned Friend was mistaken. The Bill which had now passed, was confined to Frenchmen.

LORD BROUGHAM said, that was the way in which the Bill stood when he last saw it, and he was now glad to hear it stated by his noble Friend that it was confined to Frenchmen, which till now he had never heard alleged. But it was only fair to the French Government to state that this was no new proposition; for if they looked they would find that Articles 5, 6, and 7 of the *Code of Criminal Procedure* contained provisions such as the one he had read to the House. At the time that law was passed, however, France was at war with England, and indeed with nearly all Europe; Holland, and Belgium, and Piedmont were part of her Empire, and the law, therefore, remained a dead letter; but he had been alarmed to see the present opportunity taken for reviving and bringing into force such provisions, extending them also to cases of misdemeanour, and he was glad to hear from his noble Friend that the measure had undergone alteration in its progress through the French Legislature. It was only right he should add, that he had no reason whatever to doubt the perfect fairness of the French Government towards England in this matter, or to suppose that they intended to take any undue advantage of the law. But he confessed he greatly disapproved of the new law, even in the state in which his noble Friend stated it to have passed. It was the first time—except in particular cases, such as treason or murder, by the Statute of Henry VIII., slavetrading, and one or two other peculiar instances — that the great breach in the general principle of criminal law had been made: the principle that offences were to be tried in the country in which they were committed, and according to the laws of that country.

The LORD CHANCELLOR said, he wished to make a few observations on the Bill before their Lordships. It seemed to be acknowledged on both sides of the House that something ought to be done to meet the just demands of the French Government. At present there were two Acts of Parliament in force on this subject, which practically gave to us all the advantages which could be derived from such a treaty, but which gave the French people no advantages at all. It was perfectly clear, therefore, that if we did not do what we ought to do in this matter, we should lose the benefits which we ought to enjoy from an arrangement of this kind. The observation of the noble Earl (the Earl of Aberdeen), that so many years had elapsed without any conclusion having been arrived at on this subject, rather tended to show that the present was a favourable time for attempting to remove the difficulty; for if for so many years it had been impossible to bring the two Governments into accordance on this question, and if they were now ready to come to an agreement in reference to it, this seemed to be the precise moment in which they ought to endeavour to take advantage of that happy concurrence of opinion. It had been justly objected to this measure that it was too severe to take a man up in this country and carry him out of it merely on a warrant, and the simple proof of his identity. But when they tried to avoid that difficulty in the Convention of the noble Earl near him (the Earl of Aberdeen), they failed in this respect—that in endeavouring to do what was constitutionally right to protect persons who claimed our hospitality and the protection of our laws, they did that which made the treaty a dead letter as regarded the French Government, because it could not be carried out in the way contemplated by the noble Earl (the Earl of Aberdeen). It was, however, most important in the case of two countries in such close proximity, and between which mutual relations of amity obtained, and in which such facilities for the easy escape of criminals existed, to endeavour to carry out such a measure fairly, and to see what substitute they could find for that which had confessedly failed. Now the substitute required at the present moment was only a warrant and proof of identity. It was difficult to know where to stop when they once began to attempt to give security to a man who was to be seized and carried out of this country to be tried. Were they to require *primâ facie* evidence of his guilt —for of course no one expected conclusive evidence? How were they to define the nature of the evidence which they required? Were they to insist upon having as much as would satisfy the magistrate before whom a man was brought as to the probability of his being convicted? But let their Lordships consider how very ineffectual any inquiry that could be then instituted would be to attain the end sought. He was as ready as any one could be to support any plan, if one could be chalked out, which would at once give fair security to the person to be given up, and satisfaction to the French Government. Great care had been taken, both in the Convention and in the Act, with respect to political offenders; but it would be impossible for us to step in between the French Government and their own subjects. We could prevent a Frenchman who was living under our care and dominion, from being improperly carried away to his own country to be tried; but when he had once been taken there, it was impossible to make any further provision with respect to his treatment than had already been done by this treaty, namely, by making a solemn stipulation with the French Government that he should not be tried for a political offence committed prior to his surrender, and that if he were so tried, he should be entitled to plead his surrender by the English Government under this treaty as a defence against the charge.

Lord BROUGHAM: Or that he should be sent back.

The LORD CHANCELLOR said, that was a valuable suggestion of his noble and learned Friend. Their Lordships were now only upon the second reading of the Bill; and the Government would go into Committee upon it with an anxious desire to have the benefit of their Lordships' assistance in carrying out the object which they had in view. But what he wished to impress upon their Lordships was this:—the noble Earl (the Earl of Aberdeen) had said that we must expect this stipulation of the Convention to be carried out by a French law. Now he did not think that we could ask the French Government to pass a law which should be binding upon them, as between themselves and their own subjects. We had no law, and we did not affect to have any intention of passing one, to prevent our trying an Englishman for a political offence if he was delivered up to us by France; and he did not think we could ask France to pass any such law. He admitted that this might not prevent the French Government infringing the treaty as regarded their own subjects; but that would, of course, be a breach of the treaty for which we should have a right to seek satisfaction in the manner used in such cases. He quite concurred in the noble Earl's observation that the retrospective clauses in the Act went too far. In former Acts the provisions were made prospective, or had received a retrospective operation back to 1848, the date of the noble Earl's treaty with France. In the present Bill, however—by an inadvertence, doubtless—the provisions were carried back to that period as to all the crimes enumerated in the present Bill; whereas it was clear they should only have been carried back as far as regarded the crimes enumerated in the former treaty, and not as regarded any new crimes which were introduced for the first time into the law. Upon the whole, he thought there would be no difficulty in amending the Bill in Committee, so that it should meet the approbation of their Lordships.

Lord CAMPBELL said, he was sure that their Lordships were all animated by an anxious desire to further this measure; but he must say that he felt some surprise at the novelty which had been introduced into the law of extradition in regard to making the mere warrant or word of the complaining party conclusive with respect to the obligation to surrender the individual accused. The law of extradition was very ancient; it had been practically treated of by jurists; and had been practically observed between nations. Hitherto the invariable rule had been, that reasonable evidence of the guilt of the accused party should be given in all cases to the Government which was called upon to surrender a foreign subject; whereas it was now for the first time proposed to make the mere assertion of the Government that claimed the alleged criminal conclusive evidence of his guilt, and a sufficient warrant for our delivering him up to be tried in his own country. Now, it struck him as an extraordinary thing that no reciprocity in this respect had been proposed. His noble and learned Friend on the woolsack had asked them to say how the thing could be done. He (Lord Campbell) would say, let it be done in England as it was proposed that it should be done in France. It was not proposed that the warrant of the English Secretary of State or of an English magistrate should be proof positive and conclusive evidence of the guilt of the party whose extradition was required from France. According to the mode provided in the Convention, it was necessary in the case of an English subject claimed from France, that the Ambassador or other diplomatic agent of Her Majesty at Paris, should produce an authentic or legalised copy of a certificate of conviction or a warrant of apprehension for the person whose extradition was required, clearly setting forth the nature of the crime, accompanied by the description of the person claimed, and by any particulars which might serve to identify him:—

> "The Keeper of the Seals, Minister of Justice, shall examine the demand, and the documents in support thereof; he shall forthwith address a report thereon to the President of the Republic; and, if there be found due cause, a Presidential decree shall grant the surrender of the individual claimed, and shall order that he be arrested, and delivered up to the English authorities."

The delivery on the part of the French Government was only to take place if there should appear to be good cause; and why, therefore, should they not introduce into the present Bill a clause, providing that a French subject should only be delivered up to the French Government, provided it should be made to appear to the Secretary of State for the Home Department, or to some sufficient magistrate, that "due cause" had been assigned for such a surrender? To say that the mere warrant of the party making the demand should be held to be conclusive evidence of the guilt of the accused, would necessarily lead to abuse and oppression; and if this Bill passed, the result would be, that we should be bound to deliver up to the French Government any Frenchman in our dominions whose presence was wanted in France by that Government for any purpose whatever, upon the simple presentation of a document alleging his guilt.

The Earl of MALMESBURY said, there was a discretionary power given to the magistrate.

Lord CAMPBELL denied that the magistrate would have any discretionary power. All he would have to do was to ascertain the identity of the individual claimed; and, having ascertained that, he was bound immediately to order the individual to be delivered up to the French Government. Now, this was a very dangerous mode of proceeding, and very liable to be abused; and he could not overlook the fact that extradition treaties, surrounded with greater precautions than this, had been abused. When he (Lord Campbell) had the honour of holding the office of Attorney General to Her Majesty, he was consulted upon the following case: Between the United States of America and the provinces of Canada there was a law of extradition, by which it was provided that there should be an indictment found against an individual before his extradition was demanded. There arose a case where an indictment was found against an individual in the State of Maine for horsestealing, and who had fled to Canada, and his surrender was demanded. It turned out that the man was a slave, who had run away from his master, and who had availed himself of a horse merely to facilitate his escape, and had not taken it *animo furandi*, for when he had got to the frontier, he sent back the horse. His master immediately accused him of horsestealing, and obtained a conviction against him for that offence. His surrender was then demanded from the Governor of Canada; but proof of these facts having been given, he refused to comply with the demand; upon which the American Government remonstrated, and he (Lord Campbell) having been consulted as to the law of the case, at once advised the British Government to stand by the Governor of Canada, and insist that the man should be delivered up. Their Lordships would see from this the danger which was involved in being obliged to accept the mere *ipse dixit* of the accusing party as the ground for surrendering a foreign subject. How much greater danger was there that objectionable demands would be made under the present Convention, according to which extradition was to take place upon the production of a warrant and proof of identity? He trusted that this part of the Bill would be revised. He rejoiced to hear from his noble Friend opposite that that portion of the new law of France which would have clearly been contrary to the law of nations had been abandoned. As the law now stood, it was wholly unobjectionable; for since the time of Henry VIII., and even previously, we had always claimed and exercised the right of legislating with respect to our own subjects in foreign countries, and of bringing them to trial for certain offences—murder, piracy, and participation in the slave trade—committed beyond our jurisdiction. We had, therefore, no cause to complain of the law, which had been passed by so large a majority of the French Assembly.

The LORD CHANCELLOR said, that, although the phraseology of the Bill might not be exactly the same in reference to both countries, it was understood that there should be complete reciprocity between them; and that in the actual working of the French law we should have just the same facilities for the apprehension of our criminals there as we gave for the apprehension of French criminals here. The clauses had been framed with a view to attain this object; and if they did not, they could be altered. It was not the case, as his noble Friend (Lord Campbell) had contended, that we were absolutely bound hand and foot to deliver up any person demanded; for by the eleventh section of the Act power was given to the Secretary of State to stay and supersede any proceedings if the circumstances should appear to him to render such a course advisable.

The DUKE of ARGYLL said, that the great point upon which he and his noble Friends who had spoken were anxious was, that there should be sufficient security provided against a person demanded and surrendered under the plea that he was an offender against the criminal law, being afterwards tried for a political offence committed prior to his surrender. The noble and learned Lord on the woolsack said that upon this point we must simply trust to the good faith of the French Government in observing the terms of the Convention; for that, as we did not propose to bind ourselves by any law on this point, we could not demand such a security from them. It appeared, however, to him, that we did bind ourselves by this Act of Parliament in the very manner which the noble and learned Lord said that we were not to expect from the French Government; for it was provided by the twelfth section of the present Bill, that—

> "No person surrendered by the French Government, under the said Convention, shall be prosecuted or proceeded against in the United Kingdom, or in any of the dominions of Her Majesty, for or on account of any crime or offence committed previously to his being so surrendered, except the crimes described in the said Convention, but shall be wholly released by such surrender from all prosecutions and proceedings in respect of any such previous crime, except as aforesaid; and in case of any prosecution contrary to this provision, such surrender shall be admitted as a valid defence, and evidence thereof may be given under a plea of not guilty."

He thought that if this Bill passed, it would be the duty of the Government to see that the French Government bound themselves in a similar manner to carry out the Convention. With every feeling of respect towards the French Government, it was indeed impossible, looking to the rapid political changes which had taken place in that country, to feel that a decree of their Legislature could give a security equal to that which was conferred by an Act of the English Parliament. But still if a Convention was to be entered into at all upon this subject, we must take the guarantee of the French Government and Legislature as equivalent to our own; and our Government must therefore take care that the guarantees reciprocally given were as equal as possible. The number of the offences—he believed, about twenty—coming within the operation of the present Bill, and of course the greater number of minor offences included in it, afforded additional facility for the demand of persons who were in reality political offenders, under the pretence that they had been guilty of other crimes; for there were some of those enumerated offences which would very well apply to acts done in the course of an insurrection in that country. These were, however, points of detail for the consideration of the Committee; but they involved a very important principle, and if we were to give up criminals without any proof of guilt, but on a simple accusation, he thought we were bound to see that the offences for which they were to be given up were definite in character, and limited in number.

LORD BROUGHAM said, that he thought the seventh article of the Convention implied that the French Government was to pass a law. It was as follows:—

> "No accused or convicted person who may be surrendered shall in any case be proceeded against or punished on account of any political offence committed prior to his being surrendered, nor for any crime or offence not described in the present Convention which he may have committed previously to his being surrendered; and proof of having been so surrendered under this Convention shall be a good and valid defence against any proceeding on account of any political offence previously committed, and shall entitle the party to an immediate acquittal."

Now, if the French law resembled ours in the slightest degree, no convention, without the sanction of a law, could effect this.

The LORD CHANCELLOR said, that no doubt the French Government would pass a law to regulate the affairs as between them and their own subjects. With respect to this point, too, he begged to observe that, in his opinion, nothing could be more just than that, if the French Government did not pass a law to carry out the Convention in the way referred to, we should strike out the corresponding clause in our Act of Parliament.

The EARL of HARROWBY made a few observations, which were inaudible.

LORD CRANWORTH said, that he felt some difficulties with regard to the Bill, which had not been removed by what had fallen from his noble and learned Friend on the woolsack. It was said that they were now discussing only the second reading of the Bill, and that all that they were now called upon to do was to affirm its principle. That was perfectly true; and if he could see his way by any possible means to make the Bill tolerable, that might be a very good reason for agreeing to the second reading. If they had only to consider a Bill containing clauses which had for their object to provide for the extradition of criminals, they might know how to grapple with it, although it might involve difficulties; but what they were called upon to do was to legislate for the purpose of carrying into execution a specific treaty which appeared to contain in it stipulations and terms which were inadmissible; and he knew of no power by which they could legislate so as to modify the terms of a treaty. The subject was a difficult one, but he thought he could see his way to a mode of dealing with it. His noble and learned Friend said, that there were great difficulties in the way of insisting upon a sufficient foundation warranting the delivery of criminals. He (Lord Cranworth) thought, however, the ordinary exigencies might be easily provided for. Suppose, for instance, that instead of a simple warrant, which, by the terms of the present treaty, was made sufficient, we required the depositions taken before the proper authorities in France to be laid before our magistrates, showing a *primâ facie* case that the party had been properly accused? There might be difficulties in that; but he thought they might grapple with them, and so modify them as to meet the exigencies of the case. How could they, however, by any legislation which they could adopt by any proposed Act of Parliament, get out of this provision in the treaty, that the warrant for apprehension, or *mandat d'arret*, when legalised by the Ambassador or other diplomatic agent of France at London, should be considered as proof positive for the purposes of extradition, that the individual therein named had been convicted or was lawfully accused of having committed a crime cognisable by the French tribunals, and was thereon to be given up? If they could not escape that difficulty—and it seemed to him insurmountable—he thought they ought not to give this Bill a second reading.

The EARL of MALMESBURY said, that he had not at all underrated the difficulties attendant on passing this measure. The noble Earl opposite (the Earl of Aberdeen), who appeared to think that he had not considered the difficulties of the case, might with greater justice have said, if he had occupied their Lordships' time by a lengthened statement, that he (the Earl of Malmesbury) was something more than conceited in attempting to obtain an object which the noble Earl, with all his great experience, had failed in. He had, therefore, first presented this Bill to their Lordships, preferring rather to do so than to introduce it in the first instance into the House of Commons, because he knew that their Lordships had the honour of numbering amongst them some of the most eminent lawyers in the country, and to their assistance he trusted for rendering the measure efficient. He agreed with the noble and learned Lord who spoke last, that if direct proof of the crime was looked upon as necessary before a person accused was delivered up, this would form an insuperable objection, and it would be impossible to go on with the Bill.

LORD CAMPBELL: Only reasonable evidence.

The EARL of MALMESBURY: It was on that point that the whole of the existing difficulty had arisen. It was because it was impossible to have a previous trial of the accused party in this country that the French Government, as the law stood, could never succeed in obtaining the surrender of any of their criminals here. It struck Her Majesty's Government that it would be sufficient if discretion were given to a magistrate to surrender a criminal upon sufficient, though it might not be direct, proof of identity; particularly as, by this Bill, a power (which did not exist under the present law) was given to the magistrate to remand a man for a month in order to give time for the investigation of the case, and to see that as far as possible he should receive fair play. His conviction was, that if they tried to obtain more, they would have the same difficulties with France as under the existing treaty; and the consequence would be that the Convention would become a dead letter: the French Government would cease to attempt the extradition of English offenders; our criminals would escape to France, and in return for them we should have a quantity of French rogues come to this country, of whom we should not find it easy to get rid. To show the different views with which these subjects were regarded in France, he might mention that he had some difficulty at first about the clause that secured political offenders; not, he believed, because the French Government wanted to obtain offenders by any trick—for he believed them to be perfectly sincere—but because they thought it possible that many of those who were remaining here—under a charge of high treason, for instance—might purge themselves of that by getting some friend on the other side of the Channel to charge them with some small offence cognisable under this convention; and having been then taken over to France on that charge, they would thus be secured against prosecution for any more serious offences which they might have committed during one of the revolutions. The French Government, had they been desirous to interpose difficulties, might very well have pressed that point, and have said that it had in it the germs of too unrestrained a liberty; because, under the Convention, the offender would only have to be accused of some minor offence, which would occasion him to be taken to France, and he would be exempted for ever from all accusations standing against him for more serious crimes, committed, it might be, during the revolution. He did hope, therefore, seeing the great necessity for two civilised countries carrying out some Act of this kind, that their Lordships would aid him to effect this object. He did not wish to take the slightest credit to himself for having brought this Bill forward. It was a matter of necessity, and had been considered at the Home Office for the last two months with very great attention. He begged now that the House would read the Bill a second time; and he should be greatly obliged if, in Committee, the noble and learned Lords opposite would give him their assistance to secure the ultimate passing of the measure in as fair and perfect a shape as possible.

LORD CAMPBELL assured the noble Lord that he, for one, should be ready to give him every assistance, both in the House and out of it. But how could they alter the Bill? Were they to say that the warrant was not to be held as sufficient ground for the extradition, but that there should be reasonable evidence before the Secretary of State that the offence had been committed? If that were to be so, it struck him that there must be a new Convention; and then, upon that new Convention, they could pass a law to give validity to it.

The LORD CHANCELLOR said, they certainly could not alter the Convention; but it could not be carried into effect except so far as an Act of Parliament gave authority to it, They could therefore give or withhold the power to carry the Convention into effect, and he apprehended that the Bill might be so modified as to meet their Lordships' views. The French Government might then make their election, whether they would consent to a fresh Convention to meet the provisions of the Act as passed, or would reject the present Convention as not being enforced by the authority of the Act. If, on the other hand, his noble Friend were now to enter into a sub-convention to meet the views of their Lordships present, what security was there that that sub-convention would in other respects be received with more favour than the present one?

Earl GREY said, if he had read the Convention correctly, it did not come into force until a day to be declared by the consent of both parties. Of course both parties could abstain from naming that day until the terms were finally settled. Therefore, if Parliament passed an Act limiting, as he thought they should do, the power now proposed to be taken of giving up prisoners claimed by France, the two Governments might, before the day fixed for the Convention taking effect, agree to a supplemental convention, conformable to the terms of the Act of Parliament as it should be passed. He thought that in this way the difficulty might be surmounted. He had risen, however, to express his entire concurrence in the opinion that the Bill ought not to pass in its present shape. He was anxious, as all their Lordships were, that effectual means should be provided for the mutual surrender of prisoners between two great countries like France and England; but he conceived that a mere statement from the authorities of France that a person had been accused of a crime was not sufficient to warrant his surrender; but that the magistrate ought to have some such evidence as was considered necessary before committing a prisoner for trial in this country. If he were not mistaken, a similar principle was acted upon between Canada and the United States; and he could not understand why a principle which worked fairly and well between England and the United States should not work equally well between England and France. If additional powers of remanding a man after he was once taken were required until the evidence could be completed, he saw no objection to that. They could not let a French criminal escape through a paltry technicality; let them enlarge, if they liked, the powers of remand, but do not let them give a person up without some *primâ facie* evidence that he had committed the crime with which he was charged. He did not wish to say anything distasteful to the French Government; but in the present state of that country, increased caution was necessary in dealing with a subject of this nature. He thought the proposition which had been made by the noble Earl opposite was perfectly fair—that they should now agree to the second reading, with the full understanding that the Bill should be so amended in Committee as to guard against the reasonable objections which had now been taken to it.

The Earl of ABERDEEN said, that the provisions of the existing law carrying into effect the Convention of 1843, precisely secured that which the noble Earl (Earl Grey) wished, namely, that the surrender should only be made when the commission of the crime should have been established in such a manner that the laws of the country where the fugitive or person so accused should be found, would justify his apprehension and committal for trial if the crime had been committed in that country. In point of fact, he believed that that was very much the provision of the convention between the United States and Canada, where it had been found to work well. It was so long ago that he could not speak with perfect accuracy; but he rather thought that in the Convention of 1843 he had adopted the very words of the provisions of the law regulating the surrender of criminals between the United States and Canada. It was clear that that was precisely what the noble Earl wished. Under that Convention France had no difficulty in surrendering our offenders; but it had been found impracticable in this country, and we had not surrendered one criminal to France. As to a supplementary convention, that was a very awkward mode of proceeding. The Convention was final; it had been ratified by Her Majesty; they could not possibly alter the words of the Convention, although they might enter into a new one. The Bill professed to be a law to carry that Convention into effect. In fact, the Convention was recited *verbatim* in the Act itself, and he hardly knew how they could proceed to a new Convention, and at the same time pass this Act.

Lord BROUGHAM said, that in Count Jarnac's time, and, in fact, ever since the Convention had been agreed to, the attempts to carry it out, as far as French offenders were concerned, had been frustrated by the difficulty of bringing over witnesses from France; and therefore he thought they ought to take into consideration the very valuable suggestion of his noble and learned Friend behind him (Lord Cranworth) as to the production of depositions, for it would be almost impossible to bring the witnesses over to substantiate a charge against a prisoner. The question now was, whether they should agree to the second reading, and try and get over the difficulty in Committee by framing some clause with respect to the depositions to be laid before the Secretary of State, on which he should act under the Bill as it now stood, and allow his warrant to be issued.

LORD **STANLEY OF ALDERLEY** said, as far as he understood, there was no difficulty in putting into operation the Act affirming the convention between the United States and Canada. The surrender of criminals was obtained on both sides without any difficulty. He therefore begged to ask the noble Earl (the Earl of Malmesbury) what difference there was between the position of France and England, and that of the United States and Canada, which prevented France having the same facilities as the United States for obtaining the surrender of prisoners?

The EARL of **MALMESBURY** thought the noble Lord was better enabled to answer that question himself, because he possessed some experience on the subject; and it was, in fact, one of his own Colleagues who took an active part in carrying the convention into effect. He agreed with the noble Lord opposite that the question of remand was a very important one. One of the principal reasons why we had failed in surrendering prisoners was, that our magistrates had no power to remand for a sufficient time to enable the identity to be proved—consequently the accused was let go, and there was no chance of securing him again. All he wished was to improve the law as it now stood, and he wanted to know what power their Lordships would give him, and then he would be enabled to treat with the French Government. It should, however, be recollected that they were now legislating for the French, not for themselves, for we were satisfied with the Convention as it stood; but Her Majesty's Government were afraid of losing that Convention, and it was on this account they desired to satisfy the French by putting them on an equal footing to ourselves. If the Government knew what power they possessed for framing the Act, and on what ground they might propose a new convention, then they would be in a condition to act, and it would be for the French to accept or to refuse the terms proposed; for they, in fact, were the only persons to complain.

LORD **CAMPBELL** was sure they all earnestly desired to assist the noble Earl; but the question was, could they go on with the Bill? He was clearly of opinion they could not. It was contrary to the title of the Bill to alter one iota of the provisions, for the Bill was to carry into effect a specific Convention between Her Britannic Majesty and the French Republic, and if they proceeded with it, it must be without alteration.

Bill read 2ª; and *committed* to a Committee of the whole House.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Friday, June 8, 1852.

MAYNOOTH.

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [11th May], "That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth:—(*Mr. Spooner*:)—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words, "this House shall resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes,"—(*Mr. Anstey*,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

MR. **FRESHFIELD** would have been content to allow the question to go to a division in its then state; but, having moved the adjournment of the debate, it formed a part of his duty to address to the House a few observations on the subject under discussion. He was at a loss to discover on what general grounds the Motion of his hon. Friend the Member for North Warwickshire (Mr. Spooner) could be resisted, or the Amendment that had been proposed to it adopted. His hon. Friend had stated his facts in perfect sincerity, and only asked the House to inquire how far they were true; and if they were so, how far they were consistent with the interests to be maintained by a Protestant people. It had been objected that the language used and the case stated by his hon. Friend, and the confidence he had expressed, tended rather to a repeal of the Act of 1845, than to support a Motion for inquiry; but certainly this was the first time he had ever heard the confidence expressed by the mover in the truth of his Motion used as an argument against it. If his hon. Friend had moved the repeal of the Act of 1845, he (Mr. Freshfield) could well understand such an objection; but his hon. Friend had made no such proposition; and he had only asked the House to inquire into how many of the facts were true, and if those which were so were inconsistent with the rights of the Protestant religion of this country. The next objection to the Motion was that of the right hon. Member for Taunton (Mr. Labouchere), who said that inquiry was useless, as nothing could be done in consequence of the near dissolution of Parliament. But that was not the fault of his (Mr. Freshfield's) hon. Friend. His hon. Friend had given notice of his Motion so early as the 23rd of February. It had been postponed from time to time under circumstances over which he had no control, and on the 11th of May it was distinctly submitted to the consideration of the House, and an Amendment proposed to it. How unreasonable was it, therefore, if, from circumstances over which his hon. Friend had no possible control, the discussion on his Motion had lingered on to the 8th of June, to infer that this Motion was less appropriate now than it was at any former period. If there had been any general desire to come to a conclusion on the question, it might have been arrived at long ago; and it was certainly no argument to say that nothing could be done, as the Session had so nearly reached its termination, for who could say how long Parliament would sit, or when it would be dissolved? It was consequently no argument against the Motion to urge that nothing could be done in the way of inquiry before the dissolution of Parliament, as the period of that dissolution was altogether uncertain. Surely it was not competent for those who opposed this Motion now to come down to the House and say, "Well, there has been so much delay you cannot now proceed." Was it to be permitted that those who did the wrong should take advantage of it, and argue upon it? Inquiry, however, was generally agreed to be necessary. Was the hon. Member for Youghal the person who objected to inquiry? [Mr. ANSTEY: Hear, hear!] On the contrary, that hon. and learned Member said the inquiry did not go far enough, and he desired a Bill for the particular purpose of going further. A more serious objection, however, to the Motion, because of the source from which it came, was that of the noble Lord the Member for London.

That noble Lord had announced his intention of showing that a Motion for inquiry was materially distinguishable from the Motion before the House; that a Motion for an inquiry, by a Select Committee, differed from a general proposal for inquiry. Was that not differing upon terms, rather than dealing with the substance of the Motion? And, even supposing that the noble Lord succeeded in proving that a difference actually existed in point of form, would it not be believed by the hundreds of thousands who have petitioned for inquiry, that there was another term applicable to the case besides that "of insincerity," with which it had already been charged, namely, evasion. Assuming, however, that a resolution declaring the necessity for inquiry had been adopted instead of his hon. Friend's Motion for a Committee, the objection would naturally have been that a resolution would not be the usual course at the close of a Parliament; because, though it might bind for a few days the present, it could not be acted on by the future Parliament. He hoped, therefore, that if the noble Lord entertained a doubt on this point, he would not shape his objection in the form of a technical distinction, because whatever might be the form, the Motion was in substance a proposal to inquire; and whether by a Committee, now that no Committee was likely to sit, ought not to be regarded as the real question; for of all the other courses that could be taken, it would be the most unwise to adopt when all sides of the House were deprecating "a cry." What, indeed, was so likely to create a cry as to tell the hundreds of thousands of petitioners for inquiry, that there was a distinction between the present Motion in the now state of the Session, and a resolution that inquiry ought to take place, and that their prayer should be negatived on that account. That was not the mode of satisfying public feeling. Let the House, however, adopt the Motion, which would amount, at least, to a resolution that inquiry was desirable, and it would show to the Protestant people of England that at some time or other there would be inquiry—that the general proposition had been affirmed; there would no longer be the necessity for agitation, since that which they had asked, the House had done so far as it had the power, and there had been expressed a determination that there should be inquiry. It was generally admitted that there ought to be, and must be, inquiry. He looked for the individual who should say no, and he looked in vain. His hon. and learned Friend the Member for Cork (Mr. Serjeant Murphy) had said that inquiry would redound to the credit of Maynooth, but that he should vote against the Motion—an illogical corollary certainly. The hon. and learned Gentleman undertook to vindicate Maynooth from the charge of Italian policy, by stating that the first two teachers at that College were actually Frenchmen; and the House was so very tolerant of bad argument, that when the hon. and learned Gentleman assumed the inference that since Cisalpine, and not Ultramontane, doctrine was taught on the foundation of this establishment by the teachers in question, it necessarily so continued up to 1851, he was not contradicted. The hon. and learned Gentleman had, however, not stated who were the trustees of Maynooth in 1850; neither did he refer to the change that had taken place since that time, nor reason on what would probably be the future policy of Archbishop Cullen and the two other archbishops, as co-trustees of that college. Indeed, it was impossible that the objectionable doctrines maintained by those individuals out of the college, should not, under their administration as trustees, have at least equal influence for evil within its walls. Every argument of his hon. and learned Friend assumed the character of a demonstration; one of his arguments was, that as the course of education in Maynooth comprised eight years, and as the Act of 1845 did not come into operation until 1846, no mischief could have been caused by the spread of the doctrines there inculcated, even if they were as bad as they had been represented. It had not, however, occurred to his hon. and learned Friend to state, that in 1846 Maynooth was not empty; but, on the contrary, that there were many students then of six, five, four, and three years' standing, and that these were sent forth indoctrinated with those views which had been objected to. In 1830 and 1834 the Roman Catholic archbishops and bishops had certainly prohibited their priests from interfering in matters of a political character; and it had been urged that Sir Robert Peel, cautious statesman as he was, would never have proposed converting the annual grant to Maynooth into a fixed sum by Act of Parliament, unless he had been perfectly acquainted with the whole character of the institution, and the answers of the Roman Catholic prelates had been perfectly satisfactory. But why were they to take it for granted that Sir Robert Peel knew all the "ins and outs" of Maynooth? Why, the very circumstance of the Act of 1845 having been passed, was a subject of legitimate inquiry, and the people of England had a full right to know the grounds upon which it was based, if they chose to demand that knowledge. He did not complain of the existence of the Roman Catholic religion in this country, or of the equality of civil rights accorded to Roman Catholics, or that Roman Catholics should be taught the tenets of their own faith; neither did his hon. Friend, nor those who supported his Motion. The ground they took was this, that inasmuch as there were hundreds of thousands of persons who had petitioned the House against the grant to Maynooth on conscientious doubts, they were entitled to know that the sum which had been bestowed for years upon that college, and which had been confirmed by Act of Parliament in 1845, was administered fairly for the Roman Catholics, and not offensively towards the Protestants—that it had been properly and not mischievously applied. They had a right to have their minds set at rest from doubts as to the propriety of the application of the grant; they had a right to know that erroneous doctrines which they might tolerate they did not encourage. Nay, more, in justice to the college itself it was only right that the doubts which existed on this subject should be cleared up or confirmed. The right hon. Member for the University of Cambridge (Mr. Goulburn) had suggested the issue of a Commission by the Government to inquire into the subject. He (Mr. Freshfield) agreed with the right hon. Member for Taunton that little else could be done in the matter this Session than to declare and resolve there should be inquiry; but much more might be done by a Commission. If the Government saw fit to advise the Queen to issue such a Commission, he did not see how the College of Maynooth could take offence at inquiry in the face of the inquiry pursued into the English Universities; and he could not conceive they would judge so ill as to resist affording all the information that should be sought. The noble Lord at the head of the Government, too, might justify such a course by his own conduct with respect to the Papal aggression in the early part of last year, when he recommended careful inquiry before doing anything. This was enough to show that the noble Lord needed not to shrink from advising the issue of such a Commission. The report of such a Commission might be perfectly satisfactory; and, if not, the circumstance would be a ground for inquiry in Committee in another Parliament. For his own part, he (Mr. Freshfield) should enter upon any such inquiry without prejudice, and with the same anxious responsibility as a sworn juryman. He hoped, as there was not much time for the debate, Gentlemen would address themselves to the question whether it was asking too much that the matter should be left in that state which ought to satisfy the people of England, and without which they ought not to be satisfied.

Mr. H. HERBERT said, that he had not intended to intrude himself upon the attention of the House; but having given notice of an Amendment, which he found the forms of the House would not allow him to propose, it had been his intention to give a silent vote against both the Motion and the Amendment of the hon. and learned Member (Mr. Anstey). His object in rising was to add his recommendation to that of the hon. Gentleman who had just sat down, that the Government should adopt the course pointed out by the right hon. Member for the University of Cambridge. If the real object of this Motion was fair and legitimate inquiry, the hon. Member for North Warwickshire could not resist the proposition; and he would show his sincerity by withdrawing the Motion, on which he admitted inquiry was impossible. It had been objected by the Chancellor of the Exchequer that a Royal Commission would not have the power of compelling unwilling witnesses to give information, and that therefore it would not be satisfactory to the people of this country. Now the noble Lord the Member for the City of London stated that he considered the very worst tribunal before which an inquiry of this nature could take place was a Select Committee of the House of Commons. In that opinion he most cordially joined; but the difficulty would be solved by adopting his (Mr. H. Herbert's) Amendment, which had reference to inquiry by the visitors. The Home Secretary said the reports of the Maynooth Commissioners were meagre, and contained no information; that proved that inquiry was unnecessary. If an architect reported that no repair was needed in your house, the report might be called meagre. At present, the Lord Lieutenant had the power to order a special inquiry whenever it was deemed necessary. To this it might be objected that the inquiry would take place under certain restrictions. But Sir Robert Peel stated in 1845 that unless such restrictions were made the grant would be utterly useless; for it was necessary to show Roman Catholics that no interference would be made with the free exercise of their religion; but the restriction preventing interference with religion, except by those members of the commission who were Roman Catholics, would commend itself to most men of sense, and the substance of that restriction ought to be embodied in instructions to a Committee, if ever the hon. Member (Mr. Spooner) should hereafter be so fortunate as to obtain one. What was the nature of the inquiry which the hon. Gentleman the Member for North Warwickshire proposed? Was he going to refer to a Parliamentary Committee to inquire into the difference between the Protestant and Roman Catholic religions? Was he going to refer to a Committee of that House the momentous and ever-memorable question, "What is truth?" He hoped that House would never sanction a proceeding which would give rise to such scenes as would take place in the Committee-room if that was to be the nature of the inquiry. It might be objected that the constitution of the visitors was such that they were not a body which could enter into a fair and impartial inquiry. But hon. Members opposite could not be ignorant that there were eight visitors, three chosen by the College of Maynooth, and five by the Crown. Would they propose to inquire by a tribunal composed of persons like the hon. Member for North Warwickshire, who openly declared, and rather rejoiced in the idea of being classed with those most hostile to Maynooth? Did they wish the inquiry to be conducted by the open, sincere, and candid enemies to that institution? He supposed they would hardly think it decent or right to have a tribunal without both sides of the question being represented upon it. He could not understand, then, any fairer mode than by means of the visitors. If there was any unfairness in the constitution of that body, it was against the College of Maynooth, the college being represented by only three, whilst the Crown nominated five of the visitors, with the power to order additional inquiry if any of the reports were unsatisfactory. It appeared to him most utterly absurd, and a most dangerous principle to establish, that a private Member might come forward and supersede a tribunal constituted by Parliament, and extremely well adapted for the purpose for which it was constituted. If that tribunal was incompetent, its reports meagre and unsatisfactory, and proper application had been made to the Government to order inquiry, the Government might upon their own responsibility have said to Parliament "the tribunal you have constituted does not possess sufficient powers, and it is for you to grant the Government a tribunal which shall institute a fair inquiry." That, he thought, ought to have been the course for the Government to have adopted, and not followed in the wake of the hon. Member for North Warwickshire, in superseding the authority of a tribunal constituted by that House. He would not enter into the question connected with the college, or the policy of its endowment, nor should he have risen on this occasion, did he not feel that if the hon. Member for North Warwickshire was sincere in his desire for inquiry, he would adopt the suggestion made by the right hon. Gentleman the Member for the University of Cambridge.

Sir WILLIAM VERNER considered it was the duty of Government to give sufficient information to the House on the subject, in order that the House might come to a proper decision on the question. He had intended to say a few words—not in vindication of his hon. Friend the Member for North Warwickshire, for he needed no vindication—but the remarks of the hon. Member opposite rendered that course unnecessary. His hon. Friend had not brought forward any Motion for the purpose of suppressing Maynooth, but only for an inquiry into the system of education pursued in that institution. The college was supported by a grant from the Imperial Treasury, and Government were responsible for the proper application of the grant. The college was established for educational purposes; and when it was a matter of doubt whether the education at that seminary was such as it ought to be, when those who were educated there were of one sect, and professed a religion which was not the religion of the State, it was but right that the State should exercise a power of supervision—which it ought to exercise, more especially as it had endowed and become responsible for the institution. The object of that institution was to bring up clergymen for the Church of Rome. Was it not right, then, that Parliament should know what was the kind of instruction they received there, and to what section of the Roman Catholic Church the Maynooth professors belonged? Members accustomed to travel knew that there were two descriptions of Roman Catholics, one of which taught that the Pope had no right to interfere with Sovereigns, and the other that no Sovereign had a right to expect allegiance from his subjects unless a higher authority—to wit, the Pope—acquiesced. To which section did Maynooth belong? Did it hold the authority of the Pope to be superior to the Sovereign, or did its views resemble those of the Roman Catholics who long existed in France, and who declared that neither Pope nor Council had a right to interfere with the Sovereign? It was stated that the most rancorous intolerance was taught at Maynooth; such doctrines, for instance, as that heresy and heretics ought to be punished by death. These things ought to be inquired into. Within his own knowledge he could say a treatise on education had been written by Delahogue, a professor of Maynooth, and that book was one of the authorised works of the College of Maynooth. The hon. and gallant Member read the following extract from the work:—

> "The Church retains her jurisdiction over all apostates, heretics, schismatics, although they no longer appertain to her body; just as a military officer has a right of decreeing severe punishment against a soldier who deserts, even though his name may have been erased from the muster-roll."

If the civil authorities admitted or connived at such doctrines, there was no liberty of conscience; and were such a charge made against any institution to which he (Sir W. Verner) belonged, he would never rest till the fullest inquiry had taken place, and the matter been settled one way or other. A charge was once brought in that House against a highly respectable body to which he belonged. Inquiry was called for; those hon. Gentlemen with whom he was acting as a leader in that body came forward to a man, and not only joined in the proposal for inquiry, but gave all the assistance in their power to carry out the fullest inquiry. That institution, he was happy to say, came out of the inquiry perfectly free from all the charges made. In Ireland denunciations from the altar were frequently followed by the loss of life; and he had received a letter in which the writer said he hoped the Committee appointed to inquire into outrages in Ireland would propose that Parliament should "pass a law to prevent the Roman Catholic clergy from denouncing persons in their chapels; not long ago he had been denounced because it was not his pleasure or convenience to contribute the sum pointed out by the priest to build him a house on another gentleman's property." [*Cries of* "Name!" *and* "Who is the writer?"] He was not going to hand the writer over to the assassin—

Mr. MAGAN: If the hon. and gallant Member withholds the name, the only conclusion to which this House can come is, that the statement is not true.

Mr. SPEAKER: I call upon the hon. Member to retract the expression he has just used.

Mr. MAGAN: I used the expression with reference to the letter, not to the hon. and gallant Member.

Mr. SPEAKER: The hon. Member made use of the expression, that the statement made by an hon. Member was not true; that language is unparliamentary.

Mr. MAGAN: I only made use of the words in a Parliamentary sense (*Laughter*).

Sir WILLIAM VERNER: For the twenty years which he had sat in that House, he had never made a statement which he could not prove. They who advocated the inquiry had been charged by hon. Members opposite with bigotry and other feelings, which he hoped would never find place in his or any other hon. Member's breast. He would read another extract from a communication by a highly-respectable gentleman, which would prove the effect of the teaching at Maynooth. ["Name!"] Hon. Members should have the name if required. The writer said—

> "I entertain no doubt that the disorders which originate in hatred of Protestantism have been increased by the Maynooth education of the Roman Catholic priesthood. It is the Maynooth priest who is the agitating priest; and if the foreign educated priest be a more liberal-minded man, less a zealot, and less a hater of Protestantism than is consistent with the present spirit of Catholicism in Ireland, straightway an assistant, red-hot from Maynooth, is appointed to the parish. In no country in Europe, no not even in Spain, is the spirit of Popery so intensely anti-Protestant as in Ireland."

The name of this gentleman was Inglis. Another writer said—

> "As I departed from the college, I could not but reflect with melancholy interest on the prodigious moral power lodged within the walls of that mean, rough-cast, and white-washed range of buildings; what a vomiting of fiery zeal for worthless ceremonies and fatal errors. Thence runs the priestly deluge, issuing like an infant sea; or rather, like a fiery flood from its roaring crater, pours over the parishes of Ireland, to repress all spiritual improvement by their anti-Protestant enmities and their cumbrous rites."

This was the opinion expressed by the Rev. Baptist Noel. An hon. Member, not then in his place, had told the House that the Motion was a sham; that hon. Member had told the House he was surrounded in Ireland by a Roman Catholic population, and therefore he trusted the House would do nothing to irritate the Roman Catholics. But he asked the House whether it was not the duty of Government equally to take care that the interests of the Protestant population were not sacrificed. He would ask the House to say whether the hon. Member's speech to which he had alluded was not meant rather for the hustings than for that House. He trusted the House would decide upon having a full inquiry to ascertain whether a public grant given for one purpose was not applied to another.

Mr. VINCENT SCULLY: I shall take the same view of the proposed inquiry that has been taken by the right hon. Gentleman the Member for the University of Cambridge, and by the hon. Member for Boston, and which was followed up by the hon. Member for Kerry—all Gentlemen whom I believe to be perfectly sincere in this matter. There can be no sort of objection to an inquiry of a fair character, just as suggested by those hon. Members, that will not extend itself into a discussion of the tenets of the Catholic religion, or into the doctrines and discipline of that Church. There is no doubt whatever, that with this one salvo, an inquiry can be made by the existing visitors, to the fullest extent, and also upon oath. The inquiry need not even be so restricted as that, because an inquiry can take place into the doctrines and discipline of the Roman Catholic Church by the present visitors, if the Lord Lieutenant orders it. Under the words of the Act of Parliament, such an inquiry can be made by the Roman Catholic visitors, in the presence of the Protestant visitors. I am sure the House will not expect me to follow the hon. Member for North Warwickshire through all the doctrines of De La Hogue and of Bailly, to which he has referred. The mode in which the hon. Gentleman has brought forward his Motion had equal reference to the doctrines of the Roman Catholic

Church, in 1826, when a full and searching inquiry was made; and in the year 1845, when the latest Act with reference to Maynooth was passed, increasing its endowment to 26,000*l.* a year; and I have not heard him make any observation that is not as applicable to the College of Maynooth in the year 1826, or in the year 1845, as at the present day. His speech contained an immense mass of vituperation and misrepresentation respecting the doctrines of the Roman Catholic Church, but every word of it was equally applicable to the Roman Catholic Church as it has existed for many centuries past. Therefore it was that the right hon. Gentleman the Home Secretary entirely abandoned those obsolete grounds, and, seeing it was necessary to take a different position, he says that some portion of the Maynooth grant has been applied towards the education of Roman Catholic clergymen for America, and thus that the grant has not been applied to the object for which it was intended, but that some part of it has been diverted from its original purpose in order to educate Roman Catholic priests for foreign countries. That being his ground for an inquiry, another ground, namely, that of modern Ultramontanism, is urged by the right hon. Gentleman the Attorney General for Ireland. His legal acumen has induced him to put forward that additional reason, seeing that the grounds already relied upon were wholly untenable, and that unless something has occurred since 1845, that would authorise an inquiry, he cannot maintain it on any ground that occurred before 1845, without convicting the present Premier and some other Members of his Government of the grossest contradictions and inconsistencies. I do not mean to impute to the Mover or Seconder of this Motion that they are not perfectly sincere in their common object; but I assert they are not sincere in saying that their object is a fair inquiry. They avow that they regard the proposed inquiry as a mere step towards abolishing Maynooth altogether. They are at present quite prepared to abolish it without any inquiry, and all they can want is to have an inquisition to find the King's title and upset this Royal grant. It is altogether a sham in them to propose this inquiry; if they were in earnest about it, they have the means open to them of having an inquiry at once. They can have an inquiry upon oath, in the most strict and searching form, under the powers vested in the present visitors of the college. They admit they cannot possibly have an inquiry by a Committee of the House of Commons during this Session; and if they are sincere, what harm can it be to have a preliminary inquiry made by the present visitors? Even should it prove unsatisfactory, which I am very far from anticipating, it will afford information to the House to enable it to come to a just decision next Session. I do not object to an inquiry at all as a Roman Catholic. I am ready that the most searching inquiry should take place; but I object to an unfair inquiry before a tribunal which, according to the opinion of the noble Lord the Member for London, who has much experience in those matters, is the very worst possible tribunal for an inquiry of this nature. If hon. Members opposite really wish for an inquiry, their object must therefore be to have it before an unfair tribunal; but I object altogether to any unfair or insulting inquiry. I object to going out of the ordinary course without necessity, and without any proof being brought forward to show the slightest reason for it. There being no evidence of any sort to show that there is anything wrong taught in the College of Maynooth, and there being a great deal of evidence directly to the contrary, it is perfectly plain that inquiry is not the object. The hon. Member for Boston has stated that the people of England call for an inquiry, but I say that the people of England are not calling for any inquiry; but some few of them are asking for the abolition of the Maynooth grant. I am aware that there are about 300,000 persons who have been induced to sign petitions against this miserable grant; but I am not aware that any portion of the English people have called for an inquiry, except the hon. Gentlemen the two Members for North Warwickshire, and the Member for Boston, who, perhaps upon some Tooley-street principle, designate themselves the people of England. No portion of the Protestants of Ireland have demanded an inquiry that would interfere with the Maynooth grant —they know their own interests too well to do so. They know the Maynooth grant is the greatest safeguard of the Protestant Established Church in Ireland. But there is a very small section of the people of England who have been put forward to sign petitions and to ask for an inquiry, without having the slightest knowledge of the subject-matter of their petitions. In the year 1845 a very great cry was got up amongst the people of England against the Maynooth grant, asking not for an inquiry into its application, but for its total abolition. On that occasion, as was stated the other evening by the noble Lord the Member for Woodstock, there were no less than 1,500,000 petitioners against the continuance of that grant; but there are only about 300,000 at the present moment. And what did Lord Stanley say on that occasion in the House of Lords? He said he had looked into the petitions, that he saw the way the petitions had been got up in England, and the reasons which they assigned, and that these were matters which the House had a right to examine into. He made these statements upon a Motion in the House of Lords, in the year 1845, for an inquiry into Maynooth College, being an Amendment on the proposition to increase the grant. He then stated that he had looked into the mode by which the petitions had been obtained, and he added that he would not be governed even by 1,500,000 petitioners, unless he concurred in their reasons for interfering with the grant. Now, we know very well that on the present occasion the petitions have also been got up in England by a number of discontented clergymen and mistaken fanatics (I mean no offence to the hon. Member for North Warwickshire), and that the honest and intelligent people of England are not for this absurd and sham inquiry, nor are they for the abolition of this miserable and paltry grant. Upon reading Lord Stanley's speech in regard to the petitions of 1845 it occurred to me to look at the petitions printed according to the orders of the House on that day, the 12th of May, 1852, and I there found eight of these anti-Maynooth petitions. [The hon. Gentleman here went through the eight petitions, showing that each of them had emanated from Protestant and Presbyterian clergymen of England and Scotland, with the exception of one, which he stated, appeared to have been got up by the Maynooth detective, Mr. J. W. M'Gregor, secretary to the London Protestant Alliance Association, and son of Sir Duncan M'Gregor, chief of the Irish constabulary force, and a director of the Protestant Alliance.] The right hon. the Attorney General for Ireland had said that the words Popery and Papist were terms of offence, and were not generally used at the present day; but in one of these petitions, containing about a dozen lines, these expressions were repeated no less than eight times by the incumbent of a parish and his two curates. These eight petitions, as was intimated by Lord Stanley, in regard to the petitions of 1845, have been got up by particular men for a particular object, and for a very mistaken object. That such petitions should be signed by members of the Free Church of Scotland, is very natural, because it is their wish to upset all church establishments. And if those petitions are successful, they may lead to an investigation of all endowments for every religious establishment in the three kingdoms. If hon. Gentlemen are really in earnest in wishing for an inquiry, and are desirous of obtaining information they believe they do not possess, they will adopt the suggestion of their own Friend the hon. Member for Boston, and let an inquiry take place between this and next Session, in the only way they admit it can take place—either by Royal Commission, or, if they do not like that suggestion, and they insist that Royal Commissions cannot examine upon oath, let it be made by the visitors of the college, who have, under the Act of Parliament, most extensive powers to examine upon oath—who can inquire into everything connected with the College—who can examine the very servants and menials of the College, and into everything relating to it, with the only single restriction, that the Protestant visitors cannot examine into the doctrine and discipline of the Roman Catholic Church; but even they may have that doctrine and discipline examined into in their presence by the Catholic visitors. The Act of 1845 did not impose more restrictions than that of 1800, and the only limits to the powers of the visitors is as to matters relating to the doctrine and discipline of the Roman Catholic Church. Now, who are those *ex-officio* visitors? In 1800 they were the Protestant Chancellor, and the three Protestant Chief Judges of the Common Law Courts, and after the Act of 1845 two elected visitors were to be named, and five additional visitors were to be appointed by the Crown. With the powers conferred under that Act, the Lord Lieutenant may to-morrow direct a special inquiry to be made by the present visitors for the satisfaction of hon. Gentlemen opposite, if they are really anxious to obtain information with respect to this College; and if they are in want of it, what objection can they have to such an inquiry? It would not interfere with the appointment of a Committee next Session, should the House so think fit; but if the Government are in earnest, why should they wish to defer a proper investigation, or to throw the responsibility of it off their own shoulders? Why did they not direct that it should take place at once? The first of the visitors was the Duke of Leinster, a Protestant nobleman, the first in point of rank in Ireland, upon whose grounds the College was built, whose avenue-gate was opposite to that of the College—who was almost always on the spot, and intimately acquainted with its internal regulations. The second visitor was another Protestant Irishman, the Earl of Rosse, whose very name conferred a proud distinction on the whole Empire; and the third was also a distinguished Protestant, the present Chief Secretary for Ireland. These were the three Protestant *ex-officio* visitors, and the Roman Catholics were the Earl of Fingal and the Chief Baron of Ireland. Is it possible to imagine a more satisfactory tribunal, or one more competent to do everything which could satisfy the most suspicious Protestant of the Empire. The Lord Lieutenant had a power to institute the most searching investigation into all matters connected with the College; and would not such a course be preferable to listening here to the horrible, abominable, and unfounded calumnies heaped upon us and upon our ancient faith in the presence of English Protestant Gentlemen? If the hon. Gentleman will shape his Motion in that way, we can at once put an end to the debate; but though we challenge and invite a full and fair investigation, we do object to have an unfair inquiry of an insulting character, or before a prejudiced tribunal—a mere sham, got up for electioneering purposes, not, perhaps, by the hon. Member for North Warwickshire, but by other interested parties, for it is notorious that this Motion is a mere English clap-trap, for the coming elections. Sir, I put it again and again to the Government to institute, on their own responsibility, a fair and full inquiry, to put an end to a state of things which has more public mischief in it than some may imagine, for it will disturb the good feeling which ought to exist between the people of England and Ireland—the subjects of the same United Kingdom. If the present Motion for an extraordinary inquiry were to be carried out and acted on, we all know very well what sort of an investigation would be had before a Committee of the House of Commons. We have very recent experience in regard to the Mortmain and the Crime and Outrage Committees; we know the way in which witnesses might be summoned, and that their examinations might be conducted according to the peculiar views of the majority of such a Committee, and, without meaning any personal imputation on the motives of such Gentlemen, according to the conscientious prejudices and bigoted convictions of its members. We are perfectly well aware on whose side the majority of the Committee would be found, and that out of the fifteen Members composing it, at least two-thirds or three-fourths would be opposed to Maynooth. That would be an extraordinary mode of conducting an impartial inquiry. The hon. and learned Member proceeded to maintain that the Catholics of Ireland were entitled to the continuance of the grant on the three grounds, of faith and compact, of right and justice, or of "pure policy, without regard to any abstract principle of right or wrong." If there was no virtual compact existing, and no right derived from the payment of their share of taxation, it was a matter of prudence and wisdom to continue it. The Catholics of Ireland were 5,000,000, the Protestants of the Established Church about 600,000. This grant was therefore about a penny a head, while the entire revenue of the Established Church in Ireland was not less than two millions a year; and it required, moreover, another million a year for the police force and military to support it. No such state of things prevailed in any State on the Continent—was it wise, then, to provoke such an inquiry as the present? The property of the Roman Catholic Church had been wrested from her at the Reformation, and handed over to the Protestant Church. It was absurd to argue, as had been done, that the whole prelates of Ireland went over to the Reformed Church in a body; for the actual dominion of the English in Ireland at that time extended over a few only of the smallest counties; but if the prelates did go over, did it follow that they took the property of the Church with them? If a Protestant bishop were to go over to the Roman Catholic Church, would he take the revenues of his see with him? As an Irish Member of Parliament, and a Roman Catholic, he did not maintain that this property should be restored to the Roman Catholic Church; but if he he were to look at this grant of 26,000*l.* a year to Maynooth in the light of a partial restitution, it amounted not to a penny in the pound, but to a penny in five pounds. I shall now proceed to show that were there no question of State policy involved in the circumstance of this small grant to Maynooth, and were the Catholics of Ireland not entitled to it as a matter of common justice, they would still have a right to it, upon the ground of good faith, and a distinct compact on the part of the British Government. The hon. and learned Member then proceeded to state the circumstances preceding the foundation of Maynooth, from the Treaty of Limerick to the French Revolution; showing the infraction of that treaty; the disabilities under which the Roman Catholics of Ireland were placed; and the gradual concessions that were made. We have it, Sir, in the records of Parliament, that in 1808 returns were obtained by the present Duke of Wellington, then Sir Arthur Wellesley, and Chief Secretary for Ireland, which showed that in the year 1793 the Catholics of Ireland possessed no less than 478 endowments or *bourses* for educating their clergy in foreign colleges, of which 348 were in France alone. In that year, however, the Catholics were deprived of all those French *bourses*, and were forced to withdraw their ecclesiastical students from abroad. Then it became the policy, as it was manifestly the true interest of England, that the Catholic priesthood of Ireland should be educated at home. In 1793, as was said by the right hon. Gentleman the Attorney General for Ireland, the Protestant university of Dublin was opened to the Roman Catholics. That statement reminded me of the story of the opening of the oyster, the whole of whose inside was retained by the person who opened it, while he generously presented the real owners with the empty shells. Just in the same manner was the oyster of Trinity College opened; for while the Catholics were allowed to contribute their quota to increase the revenues of the college, they were not permitted to participate in any of the emoluments or profits of that university. I have been, Sir, merely laying before the House a few facts, not by way of threat or intimidation, but in order to supply some useful information, which may induce this country to turn over a new leaf in regard to the Catholics of Ireland; that now the people of this great empire, being powerful and at peace, may act a generous part towards my Catholic countrymen, and not allow them to be continually subjected to the insulting fanaticism of some interested parties in this country. In the same year, 1793, occurred in Ireland what is called "the little rebellion"—a sort of Ballingarry affair; and this also helped, perhaps, to open the Dublin oyster. The next matter to which I would refer the House, I extract from "Lord Castlereagh's Memoirs," and I would beg the particular attention of hon. Gentlemen opposite to the statement. In the year 1794, the Irish Catholic students being driven out of France, and being no longer able to receive their education there, the Catholic bishops of Ireland, anxious to avoid the contamination of foreign principles, wished that those who were to be brought up as clerical students should receive their education in Ireland. Accordingly, the Catholic hierarchy, in a body, presented a memorial to the Government of the day, which I shall take the liberty of reading to the House. The memorial is signed by Dr. Troy, Archbishop of Dublin, on behalf of himself and his fellow-bishops, and it states that—

> "Memorialists were formerly obliged to resort to foreign countries for education, especially to France, where they had procured many valuable institutions. Four hundred students were constantly maintained and educated therein for the ministry of the Roman Catholic religion in Ireland. But in the anarchy which affects that kingdom, these establishments had been necessarily destroyed; and even though lawful authority should be restored, the loss would be irreparable, for as the profligate principles of rebellion and Atheism may not be speedily effaced, memorialists would not expose their youth to the contagion of sedition and immorality, nor their country to the danger of thus introducing the pernicious principles of a licentious philosophy. Although the mode of education practised in the University of Dublin may be well adapted to form men for the various departments of public business, yet it is not alike applicable to the ecclesiastics of a very ritual religion, and not by any means calculated to impress on the mind habits of austere discipline so indispensable to the character of a Roman Catholic clergyman."

But it is to the concluding prayer of this memorial that I would especially call the attention of the House:—

> "They humbly beg a royal license for the endowment of academies or seminaries for educating and preparing young persons to discharge the duties of the Roman Catholic clergymen in this kingdom under ecclesiastical superiors of their own communion."

Being thus asked by the Catholic prelates of Ireland, not for any Government endowment, but merely for permission to establish Roman Catholic colleges out of their own funds, what did the English Government do? Why, as the Duke of Wellington and Sir Robert Peel said in 1845, the whole Continent being convulsed, England struggling almost for her very existence, the English Government did not merely permit the establishment of a Catholic college, but, of their own accord, they undertook to endow it. Here, then, were the circumstances, under which that endowment was first made. Let me quote in proof of these statements, the speech delivered by Sir Robert Peel in 1845:—

> "In 1795" that great and lamented statesman said, "the reigning sovereign was George III. The Minister of England was Mr. Pitt; the Secretary of State was the Duke of Portland, afterwards Chancellor of the University of Oxford. That was a critical period the year 1795. In a speech made to the Irish Parliament at the opening of the Session, the Lord Lieutenant said—'We are engaged in no ordinary contest. The time calls for great fortitude. You are engaged with a Power which was always highly formidable to the neighbouring nations. Lately this Power has assumed a new shape. To guard his people from the enterprises of this dangerous Power, His Majesty has availed himself of every rational aid, foreign and domestic. He has called upon the skill, courage, and experience of his people, wheresoever dispersed.' In that same speech, made at this most eventful epoch, the Lord Lieutenant said—'It is hoped that your wisdom will order everything in the manner most beneficial and best adapted to the occasions of the several descriptions of men which compose His Majesty's faithful subjects in Ireland.'"—[See 3 *Hansard*, lxxix. 26.]

In this remarkable speech of the Lord Lieutenant of Ireland, no suspicion whatever was suggested of the disloyalty of any class of the Irish people—nor indeed do we ever hear any such allusion in times of peril to the empire. What, Sir, was the result of that speech? Why, the Roman Catholics of Ireland received a Government endowment of 8,000*l.* a year to found the College of Maynooth, although they had never asked for it in any form. They, on the contrary, wanted to carry out the voluntary principle, but it was thought more politic and better for the safety of the State that their college should be endowed with public money. During the Session of 1795 the first Act endowing the College of Maynooth was passed, without any opposition or even discussion. It was admitted by all to be a wise and politic measure. This Act of 35 *Geo.* III., c. 21, was passed on the 5th of June, 1795, being the last day of the Session. On the same day, upon proroguing the Irish Parliament, the Lord Lieutenant said, that "a wise foundation had been laid for educating at home the Roman Catholic clergy." Sir, in alluding to the circumstances under which this grant was originally made, the highest military authority of the age, in a speech made by him in 1845, thus corroborates the statements of Sir Robert Peel:—

> "At that period of 1795," says the Duke of Wellington, "the French Republic had already commenced. The arms of that republic had already conquered the Low Countries on the left-hand side of the Rhine, had overcome parts of Germany and Italy, and were established on the frontiers of the Pyrenees."

Sir, I defy any one who may follow me in the debate to prove that I have not correctly stated the true origin of the Maynooth endowment. I have taken my proofs from unquestionable authorities—from Parliamentary documents. Hon. Gentlemen, then, will please to recollect that Maynooth was endowed in 1795, when George III. was King, Mr. Pitt Prime Minister, and Lord Camden Lord Lieutenant of Ireland; and it received, also at the same time, the full approbation of other great authorities, such as Charles James Fox, and Edmund Burke. And now, I will endeavour shortly to point out how this grant must be considered in the nature of a compact. By making the grant originally, you dried up all sources of revenue which might be naturally expected from the Catholic population of Ireland, who may, therefore, now fairly say—"You have for upwards of fifty years continued to support the College of Maynooth by public grants. By doing so you have effectually stopped all these sources of private benevolence from which the wants of that institution would otherwise have been supplied. Is it just or fair to turn round now upon the Catholic people of Ireland, and deprive them of this miserable grant?" I, Sir, can conceive nothing more clearly unjust—nothing, I should say, more monstrous than such conduct. By endowing Maynooth you also effectually prevented the Irish Catholics from recovering any of those foreign endowments which they had possessed before the breaking out of the French Revolution, and which had been offered to be restored to them by France. To illustrate this view of the case, I would mention that the Catholic clergy of Ireland have long been supported upon the voluntary principle by customary donations from their flocks. They have never yet asked for any State provision, but, on the contrary, have often objected to such a mode of endowment. Now, if the British

Government, for its own interests, and as a matter of mere State policy, were to take upon itself to endow the Catholic clergy of Ireland, and thus supersede, and put an end to, the existing custom of voluntary endowment, would it be at all just or defensible, after a lapse of more than fifty years, to withdraw such State provision, and turn the clergy adrift upon the voluntary system, which would no longer exist? In 1798 the Irish rebellion broke out, and forthwith the President of the College of Maynooth put an oath to every student within its walls that they were in no way connected with any of the societies of United Irishmen of that day. And, Sir, Lord Castlereagh's memoirs contain a just tribute to the loyalty of all inmates of the College of Maynooth during the year 1798, and state that "the president, masters, and others of the seminary, exerted themselves in repressing the late wicked rebellion, and that the captain and other officers in the Duke of York's regiment witnessed and commended their loyal exertions." The same memoirs give an extract from the journal of the Visitors, of their proceedings at Maynooth on the 11th of May, 1798, which states that—

> "They (the Visitors) cannot dissemble their painful feelings on observing their principles and conduct daily misrepresented in the public prints. They consider the indiscriminate censure and abuse of the Roman Catholic body as unseasonable and impolitic, as it is certainly unjust and unwarranted; and they apprehend that the disaffected of all religious persuasions will avail themselves of it to foster a spirit of discontent, distrust, and irritation amongst the ignorant, the credulous, and the needy. To deceive them is the constant object of all leading agitators, who use every means to excite jealousies, and cherish them for their own selfish and seditious purposes."

In these days, also, the leading agitators of all classes in the three kingdoms will use the same topics to excite jealousies, and promote their own selfish and individual ends. For myself, Sir, I have never been in the habit of discussing these exciting and agitating questions outside the doors of this House, which is, I believe, the proper place to advance them boldly and frankly, in order that the people of England may no longer misunderstand the nature of things in Ireland. In this House, Sir, resides the power of doing much good or great evil, and, therefore, the floor of this House is the fittest place for such discussions to be maintained. In the year 1800, at the time of the Union, the whole affairs of the College of Maynooth were fully inquired into; and on that occasion Lord Castlereagh received much important information from Dr. O'Bierne, the Protestant Bishop of Meath, who was a most intelligent person, and who, having been once a Catholic himself, was perfectly acquainted with all the bearings of the matter. In his letter to Lord Castlereagh, that prelate deprecates "violating in a moment of passion and prejudice the faith of Government, and the implied pledge of Parliament. He adds—

> "You must make provision for the full establishment of 400, which was what the R. C. Bishops calculated as necessary to keep up the parish priests and their coadjutors. British subjects, educated in foreign institutions, whether in Italy, Spain, or Portugal, where they still abound, may, and most probably will, imbibe all the prejudices of their worst days, and propagate them. A door will therefore be still left open to admit Popish priests of the old description amongst us. They will, of course, be the most devoted to the See of Rome, and, being its greatest favourites, will have the greatest weight, and thus you will have a distinction between Government priests, and the Catholic priests, from which the most disastrous consequences must flow to the country. I would consider it a most unwise measure, to suffer the education of the Roman Catholic clergy to return to the old course, from which so much mischief has flowed to the empire. On that event they must either go for education to countries hostile to England, where, in addition to their religious prejudices, they would imbibe those civil prejudices, and that spirit of hatred and resentment, of which France and Spain have uniformly availed themselves, ever since the Reformation, to raise a party for themselves, and excite domestic disturbances in Ireland, or they will be left to pick up such an education as they can at home amidst poverty and ignorance. So far from it being a wise measure to diminish the number of students to be provided at Maynooth, the number necessary for the supply of the parochial clergy should be maintained to its fullest extent.

That advice thus given by the Protestant Bishop of Meath, in 1800, was acted on by Sir Robert Peel in 1845, supported by every eminent statesmen of that day, and among others, the Duke of Wellington, who stated on that occasion, that, "No Minister has ever been found who has proposed, or who would ever think of proposing, to stop the Maynooth grant." We hear a great deal about these old Continental priests of the Catholic Church; about their superior manner, and the comparative loyality of their views; but it appears pretty plainly from these statements of the Protestant Bishop of Meath that it was very wisely considered the true interest of England to continue the College of Maynooth, where the Catholic clergymen of Ireland at present receive their domestic education. And again, we are very much in the habit of hearing imputations cast upon the ignorance and want of refinement of the Irish priesthood. Allow me, however, Sir, to observe, that there never yet were uttered more atrocious and unfounded calumnies against any body of gentlemen, arising, no doubt, from utter ignorance of the true character of those who are thus so wantonly maligned. And if the hon. Member for North Warwickshire will only put an end to this absurd debate, and come over with me this very evening to Ireland, I will promise to introduce him there to a body of gentlemen as highly educated, in every sense, as any to be found within the pale of his own Church. I know something of the clergy of both religions; I have many near relatives in the Catholic priesthood, and some near connexions among the Protestant clergy, for all of whom I entertain the most kindly feelings. I know how the clergy of both churches are educated, having passed some years in Catholic colleges, and also in the Protestant universities of both countries, and I will not shrink from any comparison that may be instituted between the general attainments of the Catholic as compared to the Protestant clergy. Nay, more, I think if the hon. Gentleman will accede to my proposal, and come over with me to Ireland, he will soon be able to satisfy himself that the Catholic priesthood are infinitely better theologically educated than the clergymen of the Church of England. ["Divide, divide!"] I think it is not very generous in hon. Gentlemen opposite towards a small minority to refuse to hear our observations in reply to the vituperations which have been heaped upon our clergy and our religion. Now the Protestant Bishop of Meath, in his letter to Lord Castlereagh, deprecates above all things the withdrawal of the grant from Maynooth, and maintains that it was based upon the implied pledge and good faith of Parliament. "I should consider it most unwise," said he, "to suffer the education of the Roman Catholic clergy to return to the old course, from which so much mischief has flowed to the empire." That was the advice of the Bishop of Meath, who perfectly understood what he was writing about. Well, in the same year in which that Bishop wrote his opinions, the second Maynooth Act, 40 *Geo.* III., c. 85, was passed, which made some alteration in the constitution of the visitors, who were again altered in 1845, in order, as Sir Robert Peel then said, that there might be "a *bonâ fide* visitation." And let me here advert to an argument which has been sometimes used by those who have wished to abolish this grant, namely, that by the Act of Union it was stipulated that certain Irish charities should be continued for a period of twenty years; and therefore, that Parliament had entered into a compact to continue the Maynooth grant up to 1820, but not beyond that period. I deny, however, that there is anything whatever in that argument, for the Maynooth grant was never understood as included among those charities. This appears very clear from the circumstance that in the years 1801 and 1802, a reduction was actually made from that grant. I will now mention another important circumstance, in order to establish beyond all question, that there exists a clear and distinct compact binding on this country, to maintain this grant. For we find that in the year 1806-7, the French armies having prevailed in Spain and Portugal, the Irish ecclesiastical students were driven out of Lisbon, and lost all their *bourses* there, as they had in 1793 been deprived of all their endowments in France. That having been done, what next occurred? Why, the French Executive, by order of Napoleon, made a distinct offer to the Catholic bishops of Ireland to restore all the French and foreign endowments if they would only send their ecclesiastical students to be educated in France. It appears from the Parliamentary records of 1808, that this offer was distinctly made by Napoleon to the Catholics of Ireland. It is referred to upon two occasions in the presence of the Duke of Wellington, then Sir Arthur Wellesley, and Chief Secretary for Ireland. In the debate of April 29th, 1808, Sir J. Newport stated, that, "The students at Lisbon had been lately invited to Paris, whereupon the Roman Catholic hierarchy expressed their determination to exclude any such from the Irish priesthood." On the 5th of May, 1808, General Montague Mathew, a brother to the Earl of Llandaff, urged upon Sir Arthur Wellesley and Mr. Perceval's Government the offer made by order of Bonaparte to induce Irish students to go for their education to France from Lisbon and Ireland, upon a promise of a restoration of all the Irish *bourses;* and he then read an extract from the answer of the Irish Catholic bishops, "expressing their gratitude to the British Government for their support of Maynooth, and denouncing suspension against any functionaries, and exclusion from preferment in Ireland against any students, who should accept the offer of the enemy of their country." So here you have the French taking away the Irish Catholic endowments in France and at Lisbon, and afterwards offering to restore them all upon the single condition, that Irishmen intended for the priesthood should receive their education at Paris, and you have that offer indignantly denounced by all the Irish prelates of the Catholic Church. I think all Members of this House will concur with me in considering that in making this offer, Napoleon was actuated by no good or benevolent motive towards the people of Ireland, but was acting upon the principle lately announced by the Prime Minister, when he stated that "he considered the question of the endowment of Maynooth was one purely of policy, as to which his Government must be free to act without reference to any specific principle of right or wrong." No doubt the objects and pure policy of Napoleon were to provide himself with a means for endeavouring to sow disaffection towards England in the minds of the future pastors and instructors of the Roman Catholic people of Ireland. Am I not fully justified, therefore, in my statement, that this grant is based upon a clear and distinct compact between the Government of this country and the Catholics of Ireland; and that it is impossible to withdraw it without at least giving full compensation to the Roman Catholics who in former years were deprived of all their foreign endowments, and who since that time have ceased to create any new endowments, relying upon the faith of this Parliamentary grant? Sir, several days have been lately consumed here in discussing a Militia Bill, which was yesterday carried through this House; and I would respectfully suggest for the consideration of English Members whether by withdrawing at once this irritating discussion, doubling this paltry grant to Maynooth, and enacting some useful measures for relieving the people of Ireland. they would not be adding more to the true defences of the country than by enacting fifty of their trumpery Militia Bills? Were I an English Protestant Member, I would, perhaps, suggest the possibility that a new Napoleon might soon arise, who would be anxious to act again upon the same "pure policy" principle, and to repeat the offer made by the great Napoleon in 1807. But, Sir, what was the consequence of Napoleon's offer, and of the loyal course taken by the Irish prelates in regard to it? Why, in the year 1807, the grant was raised from 8,000*l.* to 13,000*l.* a year. In the very next year the matter was again brought forward, and though the Prime Minister, Mr. Perceval, and Sir Arthur Wellesley, the Chief Secretary for Ireland, resisted so large an increase as 13,000*l.* a year, they stated to the House that they did so solely on the ground that they considered a smaller increase would suffice to supply the existing exigencies of the Roman Catholic Church in Ireland. What did the same Sir Arthur Wellesley, when Duke of Wellington, afterwards say, during the debate of 1845, when advocating the increase to 26,000*l.* a year? He then stated—

> "There can be no doubt of the absolute necessity of finding some means for educating Roman Catholic priests for the service of the Roman Catholic mission in Ireland. It was stated at the time this institution was founded, that the population of Ireland was 3,000,000. It had advanced, in 1841, to 8,175,000, and probably it is now 8,500,000, and of that number, about seven-eighths are to be considered as Roman Catholics."

Here let me own that I have heard a great deal said during this debate about what they called Ultramontanism. Now, without intending the slightest offence to any hon. Gentleman, I must be permitted to remark that I really do not believe that one out of fifty of those persons who are perpetually talking about this horrid bugbear of Ultramontanism, know what that word means. Perhaps the best explanation of it would be that it is the Latin version of *Ducdame*, which they all knew is "a Greek invocation to call fools into a circle." The other day I happened to meet a very distinguished Protestant gentleman, who, in the course of our conversation, lamented the spread of Ultramontanism. Upon my asking him whether he was certain he knew the meaning of the word, he said he understood it perfectly, for he knew it meant "beyond the mountain." So, according to this explanation, every one living on the other side of the Alps is an Ultramontanist; but all of us English and Irish who dwell on this side of the Alps must be considered as good cis-Alpinists. In this view of the matter, it certainly surprises me that amongst the numerous nicknames by which some ultra-Protestants have delighted to call his Holiness the Pope, it has never yet occurred to them that instead of calling him the "Man of Sin," he should rather be called the "Man of the Mountain." Now I beg to state that, possessing as I do every opportunity for forming a correct opinion, I do not believe that any sort of Ultramontanism exists in Ireland; most certainly none in the College of Maynooth; which, ever since its foundation, has been essentially cis-Alpine and even Gallican in its doctrines; as was plainly shown upon the inquiry held before the Irish Education Commissioners in 1826. Well, if hon. Gentlemen opposite really believed that there is any of this dreadful Ultramontism in Ireland, surely it would be a most extraordinary course on their part to endeavour to destroy that establishment, which admittedly has always inculcated the very opposite doctrines. I shall, however, postpone for the present to discuss the speculative questions of Ultramontanism, which are really of no practical importance whatever, and shall proceed with my chronological statement respecting the College of Maynooth. In the year 1815 Napoleon was finally expelled, and the Bourbons restored to the French throne: upon that occasion full restitution was made for all the property of which British subjects had been deprived during the disastrous period of the French revolution, except only the ecclesiastical endowments for the Catholics of Ireland. ["Hear, hear!"] But, Sir, though Maynooth is essentially Gallican, and always has been so, this is not the first time that there has been raised against it a most false and unjust outcry. A similar course was taken to cry down this college shortly before the inquiry held in 1826 by the Education Commissioners, of whom four were Protestants, and only one Roman Catholic. Upon that occasion everything connected with the doctrines and management of Maynooth were investigated in the most searching and even offensive form. The president, the professors, and several students of the college were examined, as well as some gentlemen educated there who had afterwards changed their religion, and became clergymen of the Protestant Church. The report of these Commissioners is dated the 2nd of June, 1827. Upon referring to the evidence given by the Very Rev. Dr. Crotty, who had been president of Maynooth from 1813, we find him thus complaining of the unjust vituperations that had been recently poured upon that institution:—

"In a public newspaper which was supposed to be the organ of a large portion of the Protestant population of Ireland, including many of the clergy, it was roundly asserted that the Catholic clergy of Ireland were composed of men trained up in the College of Maynooth in principles of treason and sedition. I said nothing, however, on the subject until those charges were repeated, perhaps a year after in the *Courier*, and avowedly on the strength of documents sent to the editor of that paper from Ireland. I then thought it necessary to interfere in defence of the establishment to which I belong; but instead of doing the thing in so public a way as might cause unpleasant discussions, I applied to his Excellency the Marquess of Wellesley, and requested of him as a particular favour, that he would order an extraordinary visitation of the College, or, if he thought it more convenient, send down the Commissioners of Education Inquiry to examine as minutely as they pleased into the state of the college. His Excellency told me that he conceived there was no necessity for either course, as the visitation by the Chancellor and Judges was to take place in three or four months. When the visitation did come on, I stated to the Chancellor and to the other Judges the nature of those charges, and begged of them either to continue the visitation in order to satisfy themselves of the falsehood of these charges, or, if it would be more convenient to them, to hold an adjourned visitation. The Lord Chancellor said he would consider it his duty to do so if he thought there was any ground for the charges brought against the college; but as he was perfectly satisfied they had no foundation whatever in truth, he did not think such a proceeding necessary. He afterwards told me, in the presence of Chief Baron O'Grady, that he had himself seen the words to which I alluded, and that he considered them a shameful and most unjustifiable charge made against the college."

It being Four of the clock, Mr. SPEAKER left the Chair.

MR. SPEAKER resumed the Chair at Six o'clock.

PURCHASE OF PICTURES FOR THE NATIONAL GALLERY.

MR. CHARTERIS said, he begged to ask the right hon. the Chancellor of the Exchequer if there was any truth in the report that a picture, said to be by Titian, which was recently purchased for the National Gallery at Marshal Soult's sale, for 2,400*l.*, was last year in the possession of a London dealer, by whom it was shown to several of the trustees, who might then have purchased it for 1,200*l.*? He might say that he had learnt the above facts from the gentleman in whose possession the picture was last year.

The CHANCELLOR OF THE EXCHEQUER: Sir, there is no truth whatever in the report that a picture in the possession of a London dealer, said to be by Titian, was shown to the trustees of the National Gallery, and offered to them for

12,000*l.*, the same having been subsequently purchased by the Trustees of the National Gallery for 2,400*l.* It is quite true that the picture, which I believe is undoubtedly by Titian, and which has recently been purchased by the trustees of the National Gallery, was in London about a year ago, because it was seen by friends of my own. I am not aware, from the information that has come to me, that that picture was ever offered for the sum of 1,200*l.*; but, in answering the question, I am prepared to remind the House, that nothing is more delusive than to form precipitate conclusions as to the value of works of Titian by the sum asked by private persons previously to a public sale. Now, in the case of that celebrated picture by Murillo, which has recently been sold for perhaps the largest amount that any picture has yet realised—a sum equal to nearly 24,000*l.*—that picture was offered to a distinguished individual, well known in this House, and once a Member, only a few years ago, for the sum of 8,000*l.* Now, with regard to the picture referred to by the hon. Gentleman, it is true that the trustees of the National Gallery have purchased it for 2,400*l.* It is a picture which has been in this metropolis recently—I may say certainly within the last twelve months. There are very few pictures of eminence first exhibited at Paris which do not form the experimental trip to London. It is probable that this picture may have been offered to some individual at a less sum than that for which the country has given for it. It is possible that it may have been offered for 1,200*l.*; but it was never offered for any such sum either to the Treasury or to the Trustees of the National Gallery. The country has given 2,400*l.* for it, and I believe that we have purchased a very valuable picture at a moderate price.

PRIVATE BUSINESS OF THE SESSION.

Sir ROBERT PRICE begged to ask the right hon. Chancellor of the Exchequer whether, in case of Private Bills being prevented from passing the House of Commons by an early dissolution of Parliament, any steps will be taken to facilitate their being passed in the next Parliament, so that the great expense incurred in respect to them, up to their present stages, may not be thrown away?

The CHANCELLOR of the EXCHEQUER was sure the hon. Baronet must, on reflection, feel that it was not in the

power of the present Parliament to take any steps to facilitate the progress of Private Bills in the next Parliament. That indulgence it would be in the power of the next Parliament to afford, and he believed that in 1831 that indulgence was afforded by the new Parliament. But the hon. Baronet must feel that there must be circumstances of grave and pressing necessity to justify the new Parliament in taking that course. The new Parliament would decide on the question of the existence of such a necessity as would call on them to come to such a decision. He must remind the hon. Baronet that no resolution of the present House would be binding on its successor.

OYSTER FISHERIES.

Sir GEORGE CLERK begged to put a question to the right hon. President of the Board of Trade with respect to the oyster fisheries. By the convention with France, both English and French fishermen were prohibited dredging for oysters in the months of May, June, July, and August, but the terms of the convention had been modified so as to allow London to be supplied with oysters in August. The fishermen of both countries had of late been fishing, not on the coast, but in mid-channel, for oysters which were in good condition in the prohibited months. As a memorial had been presented to the Board of Trade on the subject, and the subsistence of the families of some very industrious men on the coast of Kent and Sussex was involved, he wished to ask if the Government had considered the matter with a view to modify the law in concurrence with France, so as to allow them to dredge for deep-sea oysters in May and June which were in excellent condition; and also if the right hon. Gentleman would lay copies of the memorial and the correspondence on the subject on the table of the House, as on a former occason he had stated that he would do?

Mr. HENLEY said, the question was one of importance to a great number of fishermen; for the law, which was intended to prevent poaching on oyster beds, was so severe, that it prevented their catching a particular kind of oyster, which many persons would be glad to eat in the close season. Now there was a penalty against having dredges in the boats, but there was no penalty for having the oysters in their boats, or, on their landing, selling or eating them. The memorial praying for a relaxation of the law had occupied his attention, and he would consider the subject, and if he could see any way, in concurrence with France, of relaxing the law, so as to enable the fishermen to fish in the deep sea, without endangering the operation of the law against poaching in the close season, he wished to do so. He would shortly lay the papers referred to on the table.

FROME VICARAGE—THE REV. MR. BENNETT.

MR. HORSMAN rose, pursuant to notice, to move for "a Select Committee to inquire into the circumstances connected with the institution of the Rev. Mr. Bennett to the Vicarage of Frome." The hon. Gentleman said, that in asking the House to resume that discussion, which might be said to have been adjourned on the 20th of April, he thought it would be proper that he should, as shortly as possible, recall to the attention of the House the condition in which the question was then left, that they might know the situation in which they now stood when they invited them to resume it. On that occasion he made a Motion in that House that an Address should be presented to Her Majesty, praying Her to inquire whether due respect had been paid to the decrees, canons, and constitutions ecclesiastical of the Church of England in the recent institution of the Rev. Mr. Bennett to the vicarage of Frome. Now the object and aim of that Motion could not be misunderstood. It was aimed at the act of institution, an act for which the Bishop of Bath and Wells solely was responsible—an allegation having been made to the Bishop that the presentee was an unfit person to be instituted, and the Bishop having proceeded to institute him in spite of that allegation and the evidence adduced in support of it. From the terms of the Motion there was no doubt of its intent. From the manner in which it was received and debated by the House, still less was there doubt about its object and meaning. The Chancellor of the Exchequer, on behalf of the Government, moved the Amendment to the Motion that he proposed, and the right hon. Gentleman showed that he had not misunderstood the object of his (Mr. Horsman's) Motion. The ground on which the right hon. Gentleman's opposition to that Motion was based, was twofold. First he stated that the mode in which he (Mr. Horsman) proposed to proceed to gain redress for the complainants, was inadequate. But in the next place he stated very explicitly, and more than once, that one chief ground on which he invited the House to reject the Motion was, that there was an appeal to the Archbishop against the act of the Bishop. In order that he might not in any manner mis-state what the right hon. Gentleman said on that occasion, he would quote his exact words. He said—

> "I have always understood, and I cannot help believing, that there must be an appeal from the prelate who acts in contravention of the canons of the Church to the Archbishop. If there be an appeal to the Archbishop, if the conduct and decision of the prelate is subject to that superior revision, that surely must be a reason why the House of Commons should not interfere before that appeal has taken place."—[3 *Hansard*, cxx. 918.]

Now that showed that the right hon. Gentleman saw, felt, and admitted that the Motion was directed against the act of the Bishop of Bath and Wells, and did not merely touch the conduct which had been alleged against the Rev. Mr. Bennett. Well, the House was not satisfied with the ground which the Chancellor of the Exchequer took on that occasion; and various Members on both sides of the House expressed their belief that the question ought not to be so disposed of; and the hon. Member for North Warwickshire (Mr. Newdegate), whom he saw opposite. speaking the sentiments of many of his Friends on that side of the House, stated very clearly what he (Mr. Horsman) thought was the sentiment of the House. These were the hon. Member's words:—

> "He was quite certain that, this question having been raised, the country would demand that it should be fully investigated. It was a question that, having been raised, must be dealt with; and although he should wish to leave it in the hands of the Government to decide how the investigation should be made, so that they, in the proper and due exercise of the privilege vested in them of advising Her Majesty, should indicate the proper course to be taken in the matter, he yet begged them not to imagine that the question could be passed over without satisfying the public by a full inquiry.—[*Ibid.*, 925.]

He (Mr. Horsman) therefore repeated, that it was shown at that time, by the general feeling of the House, and it was notorious from what had since passed, that the hon. Member expressed not only his own sentiments, but the sentiments of many Gentlemen who sat around him. The House therefore, being dissatisfied, another Member of the Cabinet immediately arose—the Secretary of State for the Colonial

Department. That right hon. Baronet's language was equally strong and equally difficult to mistake. The right hon. Gentleman cordially—

> "Assented to the proposition which had been made by the hon. Gentleman who had just sat down, that this question having been raised it ought to be dealt with. He felt not only that this was a question which ought to be raised, but that, having been raised, it ought to be dealt with; and he would say for himself, as well as for every other Member of the Government, that this question ought not to be allowed to rest in its present position, but that unquestionably there ought to be an inquiry instituted and a remedy provided. —[*Ibid.*, 925.]

The right hon. Gentleman then went on to show what he felt to be the object of the Motion. He said that the Resolution proposed by him (Mr. Horsman) went solely, as he understood it, to call in question the conduct of the Bishop of Bath and Wells in having instituted Mr. Bennett to the vicarage of Frome, and, in fact, without meaning anything offensive in the phrase to him (Mr. Horsman), he must say he regarded it as an attack upon the Bishop of Bath and Wells. The right hon. Gentleman further proceeded to say, that the question of the alleged conduct of Mr. Bennett while at Kissengen certainly ought to be made the subject of inquiry—that he hoped that what had passed in that House would be the means of causing an inquiry to be made, and that the statements made about the conduct of Mr. Bennett at Kissengen would be fully investigated. So that the right hon. Baronet and other Members of the Cabinet set out by stating not merely that the Motion was directed against the act of institution by the Bishop, but that in addition there should be a full and complete inquiry into the proceedings alleged against Mr. Bennet during his stay at Kissingen. Such an impression did these statements on the part of two Members of the Government, and especially that on the part of the Colonial Secretary, make on the noble Lord the Member for London (Lord John Russell), that he stated that he had been relieved from great difficulty by the promise of inquiry made by the Government, and that he declined voting for the hon. Member for Cockermouth's Motion for inquiry. But the noble Lord rested his objection to the Motion on three precise and specific grounds. First, he wished to know whether there was, as the Chancellor of the Exchequer had intimated, an appeal from the Bishop of Bath and Wells to the Archbishop of Canterbury; next, what was the character of the certificate, or rather of the qualification of the certificate which Mr. Bennett received from the Bishop of London; and, thirdly, he stated that, feeling the propriety and necessity of investigating the subject, he wished, in the first place, to leave it in the hands of the Government: he said he would rather leave it in the hands of the Minister of the Crown to consider what steps they should take; and let them state at some future day if they had found a mode of inquiry that would be satisfactory, and lay before the House the facts they might ascertain. Until that day arrived, the noble Lord said he could not consent to be a party to an address to the Crown. Another Member of the Cabinet, the Secretary of State for the Home Department, also spoke, and took the same ground in opposing the Motion, and showed that he also understood the Motion to be directed against the Bishop of Bath and Wells. Notwithstanding this, the general feeling of the House was in favour of that inquiry. When he (Mr. Horsman) was appealed to in reply towards the close of the debate, he stated his reasons why he felt it his duty not to accept the qualified promise of an inquiry given by the Government, and why he should press his Motion to a division; and after he sat down, the Chancellor of the Exchequer a second time rose somewhat irregularly in debate, and assured the House that the Government were prepared to institute that inquiry which the House appeared unanimously to desire. The right hon. Gentleman stated that he would not propose a judicial inquiry, as he (Mr. Horsman) had asked him to do—he would not promise a friendly inquiry, as was suggested by his right hon. Colleague; but he could promise that it would be a *bonâ fide* inquiry into the circumstances alleged, and that he could not say more. He had stated these facts to the House that they might clearly understand, not merely what was the Motion then made, but what was the manner in which that Motion was received, and, as he might say, disposed of, by the Government. On a subsequent day, after a month had elapsed, the Chancellor of the Exchequer announced to the House, on the part of the Government, the result of —he would not say the inquiry, but of— the proceeding of the Government on that head. To that announcement he did not wish to refer. He felt that on that occasion it would be extremely inconvenient if they were to embarrass the discussion of the greater question by anything that would be understood to be a criticism, or a censure, or opinion of the past proceedings of the Government. Therefore, to avoid that, a few nights ago, on going into Committee of Supply, he touched upon the law of the case, and in the presence of the Attorney General he put some questions, or rather stated his views by way of question, in order to elicit an assent from that right hon. and learned Gentleman on the law of the case. The Attorney General then supplied what had been defective in the statement of the Chancellor of the Exchequer; and taking these two statements together, they arrived at this conclusion—that even supposing the sole ground of complaint was against Mr. Bennett, it was very doubtful, under the Church Discipline Act, how far redress could be obtained, owing, first to the limitation in the 20th Clause of the Act restricting its operation to offences committed within the last two years; and in the next place, because no notice could be taken, under the Church Discipline Act, of an offence committed abroad. But, as regarded the Bishop of Bath and Wells, it would be admitted by every lawyer in that House that there was no redress whatever provided by law against his institution of Mr. Bennett—there was no statute under which, and no court in which, that institution could be challenged. The right hon. and learned Attorney General rather imagined on that occasion that he (Mr. Horsman) in his statement meant to cast censure on the manner in which the Government had fallen short of their duty in the promised investigation; while an hon. Baronet on the same occasion said, that he (Mr. Horsman) had acquitted them of all blame. Now he (Mr. Horsman) had done neither the one or the other; for his desire and determination on that occasion were to avoid the expresssion of any opinion whatever—he had not thought that at that moment he was in a condition to express one; but he would take the discussion this evening as the sequel of that of the preceding night, and judge of the proceedings of the Ministers by what would occur this evening. If he found that having stated that this question ought to be investigated—that it was a grave question, and could not rest where it was—they were now prepared to act up to that opinion, he should be satisfied, as he believed the public would also be. But if he found that they endeavoured to make this a party question, and brought the influence of the Government to bear upon his Motion to defeat it, then he should arrive at a different opinion; and he believed the country also would arrive at a different opinion, and would express it. He had said thus much, to put the House in possession of the facts of the case. He had referred to what had been said by different Members of the Government. He would make no further allusion to the report that had been given to the House by the Chancellor of the Exchequer; and he wished to discuss the question without any admixture of party feeling. He had formerly stated so fully the facts relating to Mr. Bennett, that he should not have thought it necessary to go further into them now; but a question had been raised in that House by the friends of Mr. Bennett as to the accuracy of the narrative that he had given; and something he had said had been misunderstood by the noble Lord the Member for Down, who seemed to think that he had asserted that Mr. Bennett was no longer in communion with the Church of England, and was in communion with the Church of Rome. Now, he made no such statement. He said, indeed, that when Mr. Bennett left the diocese of London he went abroad, and he was understood to have gone to Rome in more senses than one. What he meant by that statement was no more than what might be inferred from the rev. gentleman's own writings. In his letter, written to the Bishop of London when he resigned his benefice, Mr. Bennett said, "that the end must be ere long that he must give up the conflict, and seek peace elsewhere." Now he believed no person who read that passage would put on it any other interpretation than that by "elsewhere" Mr. Bennett meant the Church of Rome. "Seek peace elsewhere" was not a term to be misunderstood; it was one with which they were very familiar; it was the stereotyped phrase of those who had preceded Mr. Bennett where he supposed Mr. Bennett was going at the time, and was the usual expression of clergymen of the Church of England who contemplated that change. ["No, no!"] He could quote it from several of her clergy who had gone over to Rome, and to take only two instances which occurred to him at the moment, he could quote it from Mr. Wilberforce and Archdeacon Manning. He, therefore, thought himself justified in putting upon those words the interpretation—that Mr.

Bennett did feel that he was not in his right place in the Church of England, and did feel at the same time a disposition at any rate to join the Church of Rome. He had said something of the rev. gentleman's proceedings at Kissengen, and it had been represented that his whole statement was founded on the evidence of one party there. He owned that, if at the time when he spoke, he had believed that the inquiry he asked would not have been fully gone into, he should have felt it would place the gentleman upon whose authority he spoke in a very awkward position to quote him there. But he could assure the House that there was nothing to disapprove in the spirit which had actuated that gentleman. To show this he would read to the House the sequel of his letter, which would show how different his spirit had, in fact, been from that which, in some quarters, had been imputed to him. He thought it his duty to read portions of the gentleman's correspondence to show that he was not either an anxious or a willing witness against Mr. Bennett, but had done what any Member of the House might have done—mentioned to a friend what occurred at Kissengen. That friend (as it turned out very much to his annoyance) made his statement public. He could not then draw back, but when asked whether his original statement was true, took the part a man would take under such circumstances. He said—

> "It is painful to me to be brought forward as a witness in this case, but as the facts were undoubtedly stated by me, though not for publication, I do feel bound in honour to confirm what I have said; and though my letters were not intended to be published, I am still prepared to come forward and substantiate every word I said."

Shortly after the speech which he (Mr. Horsman) had delivered, the gentleman, Mr. Stutzen, wrote a further letter, which would best show what his feelings were, and in which there was the following passage:—

> "It seems to me that the simplest course, if he denies what I have stated to be true, will be to send to Kissengen, where conclusive evidence can easily be obtained. There must be fifty persons at least who can say if they have seen or have not seen him at mass. I have stated the evidence I can give. I have been dragged into the matter by the hasty letter of Mr. Pratt, and being in it I am bound to substantiate every syllable, and am willing to pay the whole expenses of any person who can go over to Kissengen, where the question can be easily decided of the attendance of Mr. Bennett at the Roman Catholic Service, and his non-attendance at the Church of England service. If he did not attend the Roman Catholic service, of course the question is at rest. Sir J. Harrington was with him, and could scarcely refuse, when solemnly questioned, to give his testimony, however unfavourable it might be in its consequences to Mr. Bennett."

He (Mr. Horsman) had read this to show that the writer of the letter was evidently an unwilling witness; but finding that his statements had been published—though he was no party to their publication—as a man of spirit and character he felt himself bound not to shrink from the confirmation of that which he had stated. These letters had been written without any idea of publication, and when the writer was asked to allow them to be published, he had felt a reluctance to be placed in so painful a position, and did not wish his testimony to be used unless supported by other evidence. This much he (Mr. Horsman) had stated, because he felt it due to a gentleman whom he had placed in his present position against his wish; but it must be known he had other testimony which he could have adduced, and which, moreover, he would have adduced if he had not believed that an inquiry would have been granted, and that at this inquiry the evidence of which he spoke would have been taken. He could have stated what he had seen in the handwriting of a lady who was at Kissengen last year, that the organist of the church there had pointed out Mr. Bennett as a clergyman who had been recently received from the Church of England into the Church of Rome; he could have stated what he should not have mentioned till this moment if it had not been referred to—that Mr. Bennett's proceedings and conduct at Kissengen were so notorious, that in the *Roman Catholic Directory* for 1851 his name was inserted as having been received into the Roman Catholic Church. He had not mentioned this, because, in the first place, he could not state that that *Roman Catholic Directory*, though of very large circulation, was a work of authority. But the House must remember that last year it was stated by Dr. Wiseman, that the English Government ought to have been quite aware of the Pope's intention to create him Archbishop of Westminster, because it had been published in *Battersby's Directory* the year before. But passing on, he had in his hand a certificate from a German servant at Kissengen, who said it was matter of notoriety to all the servants at his hotel, that Mr. Bennett went to mass every morning. He could have stated, too—and as the investigation for which he called had not taken place he felt justified in now stating—that Mr. Bennett, when travelling abroad last time with his party, carried about with him wherever he went a consecrated stone, for an altar; that this stone was set up when they halted; and that Mr. Bennett officiated as priest and performed religious service before it. Now it was known in the Roman Catholic Church that every priest must carry about with him a small consecrated stone or altar to be used where otherwise he could not perform mass. It was the custom of the Roman Catholic Church; but there was nothing analogous to it in the English Church. Whilst Mr. Bennett was abroad, this consecrated stone was carried about with him; it was before this altar that Mr. Bennett's party assembled to worship. He would now state to the House why that evidence, which he had adduced on the authority of Mr. Pratt, of Mr. Bennett's proceedings at Kissengen was the most fit and legitimate evidence that could be given. When a Member made a statement in that House, and especially in challenging the public acts of official persons not there present, it was an obligation which they would all acknowledge—and which he, when he had trespassed upon the House in connexion with ecclesiastical inquiries had especially regarded—to be careful as to the character of the evidence they adduced, and to bring forward none that could be held unfair to the party, as unknown to him. During the last four or five years, and in all the Motions which he had made respecting ecclesiastical functionaries and dignitaries, the evidence on which those Motions were based had been published evidence—with which all the world was acquainted, and which generally had been taken from returns and reports laid upon the table of the House. In the case of Mr. Bennett he had thought two points essential: first, that the evidence he alluded to should be that of parties prepared to come forward and substantiate it in public; and, next, that it should be evidence already known to Mr. Bennett, and which could not take him by surprise. So in this case, setting aside the letter of Mr. Pratt, it was a strong fact that the conversion to Romanism of Mr. Bennett should have been published in *Battersby's Directory* so long, and yet remained uncontradicted till April, when he (Mr. Horsman) spoke upon this subject. He thought it extraordinary, too, that the charges contained in Mr. Pratt's letter should have remained unanswered. Perhaps it would be said Mr. Bennett had seen neither one nor the other. But the fact was he had evidence that that letter had met Mr. Bennett's eye. Before the institution of that gentleman it would be remembered that there was a good deal of excitement at Frome; and when the institution took place, Mr. Hastings, a clergyman in the neighbourhood of Frome addressed the following letter to Mr. Bennett:—

"Rectory, Trowbridge, Jan. 31, 1852.

"Rev. Sir—The enclosed letter [this was the letter of Mr. Pratt] I have copied from the *Achil Missionary Herald* of this month. You may not have the opportunity of seeing the paper, and, consequently, be unable to reply to it. As a brother clergyman and a near neighbour, I have felt it to be my duty to make you acquainted with the serious charge brought publicly against you, and the scandal occasioned thereby to the Church; may I hope you will not think me officious or obtrusive in calling your attention to the subject? Trusting to hear that there has been some mistake in the statement, I am, Reverend Sir, yours faithfully, "J. D. HASTINGS.

"Rev. W. Bennett."

That letter had been addressed to Mr. Bennett in a kind spirit; and even if he had been a gentleman regarding whose previous orthodoxy there had been no doubt, but of whom there had been injurious reports while he was abroad, he would naturally—it would be thought—be grateful for the opportunity it gave of contradicting those reports; and certainly Mr. Bennett, with his antecedents, ought to have felt himself bound to answer it. Mr. Bennett had been charged with unfaithfulness; yet that letter met with no reply. On Feb. 12, Mr. Hastings wrote again:—

"Rectory, Trowbridge, Feb. 12, 1852.

"Rev. Sir—On Saturday, the 31st of January, I addressed a letter to you, directed 'Vicarage, Frome.' The object of that communication was to afford you an opportunity of seeing a letter signed 'John O. N. Pratt,' a copy of which I enclosed, and which has since appeared in several of the English newspapers. This letter was naturally the subject of much conversation among the clergy of the neighbourhood, and I had hoped in writing to you to be enabled, on your authority, to contradict the statements therein contained. Your silence, however, so opposed to that courtesy by which your conduct, as I am informed, is characterised, compels me to conclude that it is not in your power to afford the desired explanation. I regret this the more as it tends to confirm those who were willing to pass over what had occurred in your former parish in the adverse opinion they entertain respecting your appointment to any office in the Church of England, inasmuch as your preference for the services of the Church of Rome, which you have publicly and solemnly declared erroneous in her ceremonies and in matters of faith, has thrown contempt upon that Church whose faith and doctrine in your ordination vows you promised to give 'faithful diligence always' to minister and teach.—I am, Rev. Sir yours, faithfully, "JOHN D. HASTINGS."

This letter again received no answer. What was the natural conclusion? What conclusion would any man draw from such a silence? Mr. Hastings drew his own. His object was to afford Mr. Bennett an opportunity of denying the charge against him; and the impression left on his mind was that that gentleman could not refute it, and, consequently, had not changed his views. Witness Mr. Hastings' letter to Mr. Wickham:—

"Rectory, Trowbridge, April 24, 1852.

"My dear Sir—Enclosed are copies of the letters promised; you are at liberty to make what use you please of them. I may observe my object in writing them was to afford Mr. Bennett an opportunity of contradicting the report of his attendance upon the Romish worship in preference to that of the Anglican Church, particularly as I was informed by a friend of his who had requested me to call upon him that his views were very much changed. It was the intention of myself and several of the clergy around to have called upon him, had this statement proved true. Just at this time Mr. O. N. Pratt's letter appeared, and I thought it advisable at once to communicate with Mr. Bennett on the subject. I am truly sorry that, by his taking no notice of either letter, he has left an impression on my mind, as I have stated to him, that he could not refute the statement, and, consequently, had not changed his views, thus precluding myself and others from paying him that courtesy which belongs to a brother clergyman coming into the neighbourhood.—I am, my dear Sir, yours very truly,

"J. D. HASTINGS."

Then he (Mr. Horsman) said, put aside altogether the letter from the gentleman who resided in the hotel at Kissengen, put aside all the evidence which he (Mr. Horsman) had given the other day as to the conversations of Mr. Bennett, which had been overheard, and here still was the fact, that a letter went the round of all the newspapers, in which it was stated that Mr. Bennett never went near a Protestant church when at Kissengen; that he was a regular attendant at mass; that upon this a brother clergyman wrote him, in a friendly spirit, a letter which afforded him the opportunity of stating in reply that these assertions were not true; and that that letter was met in the manner described—a manner which left a conviction in the mind of every impartial man that the statements alluded to were true. The clergy, fellow-labourers of Mr. Bennett, were disposed to receive him as a friend, to assist and co-operate with him—they were disposed to extend to him a kind and charitable feeling, which did them credit; all they asked was—"Do enable us to give a satisfactory answer to your parishioners, to our own feelings and consciences; do tell us you did not intentionally and habitually absent yourself from your own church, and attend the Roman Catholic. We will then receive you, spite of all that is past, with friendly and open arms." Was there any one to say that there could be more than one reason why Mr. Bennett should not give the answer he was asked to give? That reason must be, that the statement was true, its contradiction impossible. He (Mr. Horsman) would now ask whether, if he had had the choice of ever so much evidence to bring before the House, he had not selected that which was the most proper and the most appropriate? It was evidence which had been made known to Mr. Bennett: it was therefore the fairest to that gentleman, and he thought most satisfactory and conclusive to that House. He came next to a far more important and serious branch of this subject. He had done with Mr. Bennett; he had to speak now of the acts of the Bishop of Bath and Wells. The importance of Mr. Bennett's acts were insignificant as compared with the acts of the Bishop. The difference in station between the minister and the prelate was nothing as compared with the difference of the effects which might follow from the acts of a man who acted only in his individual capacity, and another gifted with power and authority, and whose example spread so far beyond himself. On this point there was a passage in the writings of Hooker which he would take the liberty of quoting. As Hooker said—

"The mean man's actions, be they good or evil, they reach not far; they are not greatly inquired into, except, perhaps, by such as dwell at the next door; whereas, men of more ample dignity are as cities on the tops of hills—their lives are viewed afar off; so that the more there are which observe aloof what they do, the greater glory by their well-doing they purchase, both unto God, whom they serve, and to the State wherein they live."

He (Mr. Horsman) felt that he had spoken, when he last addressed the House, under a due sense of all the responsibilities which attached to the task he had undertaken. Some weeks had elapsed since then, and if his statements had been rash and hasty, he had had ample time to reconsider and modify them; while if they had been incorrect, ample opportunity had been afforded for refuting them. After, however, all possible consideration and reconsideration, he was bound to say that so far from his having anything to withdraw, the opinions he then gave had in the interim been very much strengthened; and, further, that what he had stated then, fell short of truth, as regarded the Bishop of Bath and Wells, more than it fell short of truth with regard to Mr. Bennett. The Bishop had, in the first place, instituted Mr. Bennett in a manner and with a haste most condemnable, and moreover with a determination to shut out the parishioners of Frome from the legal redress they would have had if they had been given more time. He did it, in the second place, without a certificate from the Bishop of the diocese which Mr. Bennett had left, which by usage and by law he was bound to require; and he did it, in the third place, without the examination enjoined by law, and which the parishioners had a right to demand. He did not even do this hastily, or carelessly, or upon impulse, but advisedly, or as the lawyers said, perversely, and with the intention to defeat the ends of justice. What was the position of the different parties at the time when Mr. Bennett was presented to the vicarage of Frome, and before his institution? Each party then had a legal position and certain legal rights. The parishioners of Frome did not at the time know what their legal rights were. They acquired that knowledge later however; but, unfortunately for them, later than the Bishop. This was the position of the parties: Before Mr. Bennett was instituted, it was open to the parishioners under the canon law to have lodged a *caveat* against that institution in the Bishop's Court. The object of the *caveat* was this—that an individual might be presented to a benefice of whom a Bishop might know nothing, and any persons who knew him to be unfit, and wished to prevent his institution, did so by a *caveat.* If such a course had been taken in this instance, Mr. Bennett would have had to have "warned" the *caveat,* and that would have compelled the proctor through whom it was lodged to state the name of the person who had lodged it, and the objections to institution. Then the cause would have been referred by the Bishop to the Chancellor's Courts; from these it might be referred to the Archbishop; and from the Archbishop the cause might be taken by appeal to the Privy Council. That was the position of parties, and that was the right which was available to the parishioners of Frome, while Mr. Bennett was a presentee only, and before he was instituted. He (Mr. Horsman) would now show the House how they were defeated in their attempt to avail themselves of that right, and what was the course pursued towards them by the Bishop. Mr. Bennett's presentation was confirmed on Tuesday the 30th of December; on Wednesday he visited Frome; on Thursday, January 1, the inhabitants moved, and a protest was got up in a few hours, signed by five clergymen and forty-eight heads of families. On the 2nd this protest was delivered to the Marchioness of Bath, and the day after they received her Ladyship's reply. On Wednesday, the 7th, they memorialised the Bishop, giving their reasons against the institution, by which, of course, they meant to ask his Lordship to make inquiry into the truth of what they alleged. They made this statement on the 7th of January; on the 15th they received the reply of the Bishop declining to accede to their prayer, and stating that he should proceed with the institution. On the very same day they wrote to him again, praying him to give them fourteen days' delay to consider whether it might be their duty to take any further steps in the matter. They received his answer on the 21st of January, and that very day they sent their solicitor to London to take the opinion of Dr. Twiss. Their solicitor returned on the 23rd, and they then learned, for the first time, the means within their power for delaying institution. They received this opinion on the 23rd, and a *caveat* was prepared on the 24th; but before that the Bishop had instituted Mr. Bennett. These proceedings were of so very extraordinary a character that he (Mr. Horsman) had really felt at first that they were hardly to be believed. He had, however, received letters from two gentlemen of Frome, which he would read to the House. [The hon. Member here read the letters he referred to, one of which was from Mr. Wilson C. Cruttwell, addressed to Mr. J. Hurd; and the other from a gentleman whose name was not given, written in answer to an application from the hon. Member for Cockermouth, which repeated *in extenso* the above statement of facts.] He (Mr. Horsman) was sure the House would now see how far the statement was correct, that the inhabitants of Frome had not been willing to avail themselves of every facility which the law afforded them before they came to seek the interposition of Parliament. He contended that it was not till they had been deprived of every chance of legal redress that they had ventured to seek assistance in the House; but they were shut out by the Bishop of Bath and Wells from that redress which they might have obtained if he had given that moderate delay for which they petitioned. Now he would put a question to the hon. and learned Attorney General, which, though he could not expect him to answer in his legal capacity, yet he hoped he would give his opinion as a Member of this House, and anxious to facilitate its deliberations. The hon. and learned Gentleman had had an opportunity of inquiring into the whole of this affair. He had seen the opinion of Dr. Twiss on this case, and having also had an opportunity of forming his own judgment and opinion on the matter, he would put it to the hon. and learned Gentleman whether, if the *caveat* had been lodged, and the question of Mr. Bennett's orthodoxy had gone authoritatively to trial, it was not at least doubtful whether Mr. Bennett would have been able to obtain institution. There were two points to which he would now call the special attention of the House. The one was what the Bishop of Bath and Wells was bound to do according to law and usage on receiving the certificate produced by Mr. Bennett from his former diocesan; and the second was how far the Bishop was bound to institute him without having first subjected him to a due examination. He would admit that with regard to other points the Bishop had perhaps acted within the strict letter of the law. But did he act according to law in instituting Mr. Bennett on the certificate which he produced from the Bishop of London, and did he before instituting him subject him to a due examination? He had stated on a former occasion what he had heard as matter of rumour, that three clergymen of the diocese of London had signed a certificate to the effect that they had known Mr. Bennett during the whole of the three years last past before the date of the certificate; that they had had opportunities of observing his conduct during the whole of that time; and that they verily believed he had done, held, written, or taught, nothing contrary to the doctrines and discipline of the Church of England. He had stated it as matter of surprise—as a rumour which was in itself extremely improbable—but that he had heard it as a rumour to which he was disposed to give credence—that three clergymen of the diocese of London, knowing all that had taken place within the diocese within that very year, had yet put their names to a certificate, stating that during all the time when that clergyman was pronounced unfaithful by his Bishop, and virtually ejected from his living, he had done and taught nothing contrary to the doctrines and discipline of the Church. He had also stated it as a rumour that the Bishop of London had signed that certificate, though with a qualification, which qualification had been added in the margin. He had now to say that what he stated as a rumour turned out in all essentials to be fact. There was now no doubt that the three clergymen did sign such a certificate; but with regard to the Bishop of London, the fact was not precisely as he had stated it; whether he had added any qualification in the margin of the certificate he did not know, but it appeared that after signing the certificate the Bishop accompanied that certificate with a letter, couched in decided language, stating in what sense that signature was to be received. Of the certificate he knew nothing; but the House ought to see it. If it were to be argued that the Bishop of Bath and Wells had acted according to law, they who made that statement were bound to produce that certificate. [Mr. GLADSTONE: It is in all the ordinary books.] Yes; but the House ought to see this particular certificate. The form of the certificate might be in all the common books; but he wanted to see the names of the three London clergymen who had put their names to this document —who took the extraordinary step of stating that they had known Mr. Bennett during the year 1851—when he was abroad, at Kissengen and other places. He knew nothing whatever of that certificate, but he held in his hand a copy of the Bishop of London's letter to the Bishop of Bath and Wells, and which accompanied that certificate. Before reading it, he wished to state to the House how he came into possession of that letter. About three weeks ago, when the discussion was expected to come on in this House, a clergyman called upon him to state that he had in his possession a copy of the Bishop's letter, which he had received from the Bishop himself. It appeared to have come into the clergyman's possession in this manner: he had written to the Bishop of London, and inquired whether the rumours regarding his conduct in the affair were true; and in his reply the Bishop stated that the best answer he could give was to enclose a copy of the letter which he had appended to the certificate. The clergyman offered him (Mr. Horsman) a copy of this letter; but in the first instance he declined receiving it, thinking that if any statement were to be made on the part of the Bishop of London, it would be fairer and more satisfactory to him that it should be made by some friend of his own. But on further consideration he felt that it might be said of him that though he brought the charge he declined to state the defence, and he therefore sent to the clergyman and obtained a copy of the letter, which was to this effect. It had no date, as it was written to accompany the certificate:—

"My Lord—I request that my counter-signature to this testimonial may be considered as simply the expression of my opinion that the clergymen who sign it are beneficed in my diocese, and that they testify to your Lordship that which they verily believe. But I think it my duty to state, that in December, 1850, Mr. Bennett resigned the perpetual curacy of St. Paul's, Knightsbridge, and that I accepted his resignation because I was of opinion that the peace and good order of the Church in my diocese would be seriously interrupted if he remained incumbent of that curacy. For the reasons of that opinion I beg to refer your Lordship to the correspondence between Mr. Bennett and myself, which was published in the *Times* on December 12, 1850. I am wholly without information of any change which may have taken place in Mr. Bennett's principles or opinions since his resignation of the cure which he held within my diocese.—"I am your Lordship's faithful servant and brother,

"CHARLES JAMES LONDON."

"The Hon. and Right Rev. the Lord
Bishop of Bath and Wells."

Now he felt bound to say, and he thought the House would agree with him, that so far as regarded the Bishop of London, this letter acquitted him of being a party to intentionally misleading or deceiving the Bishop of Bath and Wells. Did any one call that a certificate such as was required by law of the former good life and behaviour of the person that was to be instituted to a benefice? It was a strong condemnation —a remonstrance—a warning. It almost amounted to a protest. It said that the peace and good order of the Church were likely to be interrupted by Mr. Bennett's remaining in the diocese of London. Was not that a warning that the same result might possibly occur if he were admitted into the diocese of Bath and Wells? Yet in the teeth of that condemnation and warning, the Bishop of Bath and Wells proceeded to institute Mr. Bennett. He thought, then, the House would agree with him on the first point, that the Bishop of Bath and Wells had not received the certificate which was required by law. The position of both Prelates in this matter was so extraordinary, that conflicting rumours were naturally in circulation, and explanations were given or suggested of portions of the transactions which would otherwise be unintelligible. Though he could not notice all the rumours that were in circulation, yet some of them were stated on such high authority, and were disseminated so widely, that he felt entitled to mention them, and thus give an opportunity to the persons concerned for explaining them. There was one rumour which he wholly disbelieved, though he had heard it from various quarters, that the letter he had read to the House was not the only one the Bishop of London had written to the Bishop of Bath and Wells; that he had written a subsequent one, and that in this second letter he had qualified the strong expressions of the first, and intimated his opinion that, under all the circumstances, Mr. Bennett's institution to Frome was not objectionable. As he had already said, he entirely disbelieved that statement; for it was impossible that the Bishop of London would have allowed the first letter to be put into his (Mr. Horsman's) hands if he had really written a subsequent letter to qualify or contradict it. But he had heard another rumour in relation to the Bishop of Bath and Wells, which was likewise so general that he was glad to have this opportunity of mentioning it, as he thought it ought to be explained. He had heard that this letter of the Bishop of London had never been seen or read by the Bishop of Bath and Wells—that he had received the certificate of the three clergymen, countersigned by the bishop, but that he never saw or read the letter. If it were really true that the Bishop of Bath and Wells had received the certificate, but that he declined to open or read the letter which accompanied it, he thought that, so far from ignorance of its contents being a palliation of the course he had taken, the House would feel that it was a great aggravation of the grievance of which the public had to complain. But here again he must state that though the rumour was so general and so public as to induce him to mention it to the House, yet he would assume that it was untrue; that the whole proceeding had taken place in its due course; and that the Bishop of Bath and Wells had proceeded on his own judgment and responsibility. He would now proceed to the other point, that of due examination. The canon stated that no bishop should institute a presentee to a benefice unless it appeared on due examination that he was worthy to be a minister. Now what was "due examination?" Here he trusted there would be no difficulty in arriving at a true meaning of the term. The mode and the extent of the examination were not entirely left to the will and discretion of the bishop. The question had been set at rest by a legal authority, to which they would all bow. In the judgment of Lord Ellenborough, in the case of Plover, that learned Judge said—

> "It only requires him first to approve, that is, before he licenses; and, in so doing, it virtually requires him to exercise his conscience, duly informed upon the subject; to do which he must duly, impartially, and effectually inquire, examine, deliberate, and decide. Here the duty of examination is again pointed out. The bishop is to find out whether he is learned, capable of teaching, moral, and of a right understanding in religion; and, therefore, the court would require of him that he should institute some proper mode of examination by which the learning, dexterity in teaching, morals, and the religion of the candidate may be ascertained. The word of the statute is 'approve,' and he must exercise that approbation according to his conscience, upon such means of information as he may obtain; and every thing that can properly minister to his conscientious approbation or disapprobation, and fairly and reasonably induce his conclusion on such a subject, though it might not be evidence that would be formally admitted in a court of law, may, I am of opinion, be fitly taken into consideration."

Now, was that the character of the examination instituted by the Bishop of Bath and Wells? What were the points to which he would naturally address himself under the circumstances, in order to inform himself effectually and impartially of the fitness of Mr. Bennett? Manifestly on those points which were brought before him: first, by the memorial of the parishioners of Frome; and, secondly, by the letter of the Bishop of London. To simplify the matter as much as possible, he would refer to one point in each document. The parishioners directed the attention of the Bishop to a passage published by Mr. Bennett, in which he said that "all the ideas of the Bible, and the dispersing of the Bible, as in itself a means of propagating Christianity, are a fiction and absurdity." Now that extract from Mr. Bennett's published opinions was brought under the notice of the Bishop of Bath and Wells. All the world knew that Mr. Bennett had published that opinion. He should like to know if that was not a point which the Bishop of Bath and Wells ought to have inquired into? Let them consider the feelings in which the Protestant community of Frome had been brought up with regard to the Bible; let them remember the veneration with which the very possession of it was regarded—that it communicated to the poor man the richest blessing and treasure which he possessed, and that the richest man without it was worse than the veriest pauper—considering also this was not the opinion of the Protestant community of this country with regard to themselves alone; but if there was one thing more than another which was an honour to the Protestant community, it was the ardour and the earnestness with which they laboured to impart the same blessing to others — and that there was no toil, nor peril, nor persecution, nor death itself, which they were not willing to hazard in the exalted enterprise of putting into the hands of the heathen and the outcast that Book which they told them they had only to receive and believe in to be saved. That was the feeling of the Protestant community of Frome; and yet a man came among them armed with the authority and sanction of the Bishop, and told them that all the feeling in which they and their families had been brought up—in which their children had been educated, and by which their aged had been comforted in the hour of death—the feelings which had sustained them in the midst of every adversity and trial—he told them that all ideas of the Bible and of the dissemination of Christianity by means of the Bible, were positive fictions and absurdities. Why, with the feelings of these people towards the Bible, this would sound to them little less than blasphemy and profaneness. If he had entered into the cottages of the poor, and thrown their Bibles into the fire, he did not believe they would have been more surprised and shocked. Well, then, what ought the Bishop to have done? Was not this a point on which he ought to have made inquiry? If it was his duty to examine Mr. Bennett at all, ought he not to have said to him, "Here is a statement with which you are charged, and which has shocked the Protestant feelings of your parish—I must have an explanation upon this point, and that explanation must go forth to the world. You state in your letter to Lord John Russell that you are "unchanged and unchangeable." Are you unchanged in this opinion? If you are changed, then let me, let the parish, let the world know it; if you are unchanged, I should hold myself disgraced, as a Protestant prelate, if I were to grant you institution?" He wanted to know did the Bishop of Bath and Wells examine Mr. Bennett on this point? He thought there was strong evidence to show that he did not, and that no answer had been given by Mr. Bennett to show that on this point his opinion was changed. He would now refer to the second point—the letter of the Bishop of London. The Bishop referred to the correspondence which had taken place between himself and Mr. Bennett, which involved a still further reference to a correspondence between Mr. Bennett and Lord John Russell, in which Mr. Bennett set forth with great force and vehemence his opinions with regard to the supremacy of the Crown. This was a point of peculiar importance; because every clergyman, previous to his institution to a living, is obliged by the 35th Canon to swear to three articles, one of which is, that the Queen's Majesty, under God, has supreme authority in all spiritual and ecclesiastical things and causes, and further to swear that he took this oath willingly and *ex animo*. Mr. Bennett gave, in his letter to Lord John Russell, a history of the working of his mind with regard to the Queen's supremacy, which was worthy of notice. It came at a peculiar moment, when after the decision in the Gorham case, a movement took place amongst a large portion of the clergy of the Church, and a circular or protest had been signed by about 2,000 clergymen of the Church of England, all of whom had taken this oath, but who declared that they had taken it in a peculiar sense. That circular contained, among others, the names of three clergymen, the first of whom was Archdeacon Manning, who had since gone over to the Church of Rome; the other two were Robert Isaac Wilberforce, archdeacon, and William Hodge Mill, Regius Professor of Hebrew in the University of Cambridge, who still continued to hold their preferments in the Church of England. Mr. Bennett stated that after the Gorham decision he became uneasy in his conscience with respect to the oath of supremacy he had taken; that he sought the opinion of counsel learned in the law whether the oath he had taken bound him to obey that decision; and that he received the opinion of counsel, who stated that submission to the civil power was binding upon the consciences of those who had taken the oath; that it was an acknowledged rule in morals that oaths were to be taken *in animo imponentis*, and that should any new case arise, or any development of circumstances not before contemplated, still the oath was binding, and of continued obligation in the newly developed sense. Mr. Bennett then, though thus uneasy in his conscience, did not resign his living, which he had obtained only on condition of his subscription to the oath —he contented himself with protesting against the oath being received in its natural sense. Shortly afterwards the controversy occurred with the Bishop of London, and then Mr. Bennett resigned his living. But when he was presented to the living of Frome, and presented himself, he was again called upon to take the same oath, with regard to which he said he was uneasy in his conscience, and with regard to which he stated in his letter to Lord John Russell that he was "unchanged and unchangeable." Now, what course did the Bishop of Bath and Wells take with regard to this matter? He knew the opinions Mr. Bennett held respecting the oath; and he would put it to the House whether this was not a point on which the Bishop might have properly examined him and asked, "Do you now subscribe the oath *in animo imponentis*, or do you take it in a non-natural sense? I must have your answer. Are you unchanged and unchangeable—do you take the oath of the Queen's supremacy in the manner in which it is intended to be taken, or do you take it with any mental reservation or qualification?" The House ought to know whether those questions had been put, and the nature of the answers. It was not sufficient to tell the House that at a private conference and on a private examination those important questions had been answered to the satisfaction of the Bishop? What, he would ask, was the object of the office of a bishop? The satisfaction and security of the Church. What was the object of his judicial office? To prevent schisms, to put an end to differences, and to promote harmony amongst the people.

And how were those ends to be obtained without publicity? It was the essence of justice that it should be known to the public that a due investigation had taken place, and that judgment had been given after a full inquiry. He would admit that in a case where a secret charge was brought against a clergyman, the examination might well be conducted in private; but in the present case the charge had been public, and the answer should have been made public—the offence had been committed before the world, and the justification should have been known to the world. Mr. Bennett's predilections for the Church of Rome had been notorious — the change should have been publicly communicated, for it was essential to the peace, the harmony, and the satisfaction of the community, not only that everything which had been proved to the satisfaction of the right rev. Prelate, but that its being so proved satisfactory should have been made known to those whose spiritual interests were so deeply bound up with the spiritual views of Mr. Bennett. He was sorry to say, that it was not in the character of an impartial judge, that the Bishop of Bath and Wells appeared in this transaction, but that he had demeaned himself to that character which was, to all right-thinking men, the most objectionable and the most odious—the sinking of the dignity of the judge in the littleness of the partisan. He thought he had now established his three propositions. In the first place, he had shown that the Bishop of Bath and Wells had instituted Mr. Bennett in such a manner as to shut out all means of redress which the parishioners of Frome might otherwise have resorted to; secondly, that he had instituted him without a proper certificate from his previous diocesan; and, thirdly, that he had done so without due examination. The question of such a malversation of office by the highest ecclesiastical dignitaries had been well described by a great authority, whom he had before cited—Hooker:—

> "If, now, there arise any matter of grievance between the pastor and the people that are under him, they have their ordinary, a judge indifferent, to determine their causes and to end their strife. But, in case there were no such appointed to sit and to hear both, what would then be the end of their quarrels? . . . But the hurt is more manifestly seen which doth grow to the Church of God by faults inherent in their several actions; as, when they carelessly ordain; when they institute negligently; when corruptly they bestow church livings, benefices, prebends, and rooms especially of jurisdictions; when they visit for gain's sake rather than with serious intent to do good; when their courts, erected for the maintenance of good order, are disordered; when they regard not the clergy under them; when neither clergy nor laity are kept in that awe for which this authority should serve; when anything appeareth in them rather than a fatherly affection towards the flock of Christ; when they have no respect to posterity; and, finally, when they neglect the true and requisite means whereby their authority should be upheld. Surely the hurt which groweth out of these defects must needs be exceeding great."—[*Eccl. Polity*, b. vii. ch. xxiv. 3.]

And must not the hurt in this instance be exceedingly great? Was it any answer to him to say, as it had been said a few nights before, that Mr. Bennett had to a great extent won the confidence of his parishioners? Was it an answer to him that 1,000 of them had signed a memorial, stating that they were satisfied with the soundness of his doctrine? If it were true that Mr. Bennett had acquired all the popularity in Frome of which they had heard so much, he drew from it an inference very different from that to which the rev. gentleman's friends had arrived. He could understand that if they were told that Mr. Bennett was universally disliked in Frome—that no one would go near him, or have anything to do with his teaching—he could in such a case understand the argument that the conduct of this individual was unworthy of notice, and that the mischief would be short-lived; but when it was said, "True, he may be a Roman Catholic, but he is becoming popular;" or, "he may be a Jesuit, but he is very attractive;" or, "he may pronounce the Bible as a means of Christianity a fiction and an absurdity, but he is converting all the parish to his opinions;" then he would reply, so far from Mr. Bennett's popularity reconciling him to his appointment, it only justified the very worst forebodings of those who objected to it, and who from his ministry anticipated the greatest mischief. He said this, assuming the statement about the memorial to be true; but he believed the reverse, and he would advise that that memorial should not be again adduced before the House, for it would not come out pure and undefiled from the inquiry. The question now was, what was to be done? It was admitted by the Government that the importance of the question could not be exaggerated, and that an inquiry was not only essential but inevitable. Then the question arose, could they institute an inquiry in any other manner than that which he had proposed? Could they proceed by resolution? They had no facts before them on which they could resolve, for the facts were denied and disputed. Then what was the mode of inquiry open to them? He was prepared for objections to every mode of inquiry that could be suggested, for he knew what the House could do when they wished to avoid a disagreeable topic. They were aware of the case of the unhappy tradesman who applied to his customer for the amount of an account which it was not quite convenient to pay. If he called early, the servant said, "his master was not up;" if he called in the middle of the day the answer was, that "the master had just gone out;" if in the evening, "the master had company;" if he were patient and civil, he could afford to wait; and if impatient and clamorous, then he was an impudent scoundrel, and deserved to be kicked down stairs. He hoped that no farce of that kind would be played by the House of Commons. The House would see he had not been impatient—that he had not been in a hurry to propose a Parliamentary Committee. Although he believed from the first that the best mode of inquiry would be by a Parliamentary Committee, it was not until he was now told on the best authority, that of Ministers themselves, that no other mode was open to them that he had made that proposition, for he felt it was not one in which the House would agree if other modes of inquiry were open. He knew that many of his own friends had objections to such a mode of inquiry as long as others existed; and therefore he thought it more becoming to them, and more respectful to the House, to propose in the first instance an inquiry the most agreeable to their wishes, an inquiry by a Commission. He did not think that if his Motion had been carried, such a Committee would have been utterly futile. If the House had moved an address to the Crown, it would have been one important step towards the inquiry; but if the House of Commons had addressed the Crown, the point would of course have been referred to Her Majesty's Ministers. Then Her Majesty's Ministers would have consulted the law officers of the Crown, and if they found an inquiry by a Commission impracticable, of course they would not advise a favourable answer to the Address, and then the grounds of that advice would have to be stated to the House. But if Her Majesty's Ministers did not proceed with that caution for which he gave them credit, but advised that a favourable answer should be returned to the Address, and an inquiry was commenced, and it was found that answers would not be returned to the interrogatories, that again would have to be submitted to the House, so that they would be compelled to see how they could retrieve the false step of Her Majesty's Ministers, and vindicate the supremacy of the House. In either case their position would be just the same as now, only now that the Government, after four weeks' anxious deliberation, informed the House that they could not institute an inquiry, and that it must be instituted by a Commission, or not at all. Then he would ask what was the objection to an inquiry by a Committee of the House? Here was a particular state of facts—here was a particular exercise of the right of institution by a bishop of the Established Church, and it was proposed to inquire how far the intentions of the Legislature had been carried out. He could not understand how any objection could be taken to a constitutional inquiry by the House of Commons into such a subject. They were every day legislating on ecclesiastical affairs. They had even now several Bills relating to the Church on the Order book; and not a week passed during which they were not called to consider some question connected with the Established Church. It was inevitable that they should constantly do so. It was one of the conditions on which the Established Church was upheld by Parliament, that Parliament should be not only empowered, but bound, to exercise a control over that Church, in order that abuses might be removed, that scandals might be inquired into, and that grievances might be redressed. He was always sorry to hear that dangerous objection to Parliament dealing with the Church. They were repeatedly told that the House of Commons ought no longer to take cognisance of Church affairs, because the House was not now composed exclusively of members of the Established Church But why was Parliament not composed of members of the Established Church? Because the people whom it represented were not composed entirely of members of the Established Church; and if they said that the House of Commons, as representing the people, was so dissevered from the

Established Church that they could not take cognisance of its affairs, then, *à fortiori*, the nation was so dissevered from the Established Church that there should be no Established Church at all. That was the logical and inevitable result of the argument if pressed home; but he, on the other hand, held that the Church, as established by law, was the creation of Parliament, that it existed by the breath of Parliament, and was subject to its jurisdiction, and that there was no duty so obvious, no responsibility so undeniable, as that, when it had established a Church for the teaching of one religion, it should not allow it to be made subservient to the interests of another—that it should not allow a minister of one Church to become the secret agent of another. He would take it that no objection would be taken to this Motion on the ground of the advanced period of the Session. He might, if such were taken, refer to the Motion of the hon. Member for Warwickshire on Maynooth, and would say, like him, that the people of England, having the question raised, were anxious to see if Parliament were earnest in dealing with it. He believed that the inquiry would not be of long duration. The witnesses whom he would call in support of his allegations would be few, their evidence would be short, and he believed the whole examination would not exceed a week. He would ask the House to be careful as to the manner with which they would deal with this question. Here was the case of a clergyman who had been an incumbent of St. Paul's, Knightsbridge, whose ministration had been carried on in such a manner, and had been attended with such notoriety, that the services had been interrupted by mobs of people, the minister had been rebuked, and virtually ejected by his diocesan, to whom he then addressed a public letter, in which he told him that he found himself in a false position in the Church of England, and must seek peace elsewhere. He then went abroad, where it was stated his attendance at a Roman Catholic place of worship was so notorious that he was claimed by the Roman Catholic clergy as a convert to the Church of Rome, and as one in full communion with that Church; further it was stated, that during the whole time he was at Kissengen he never attended the Protestant place of worship, but was an habitual attender at a Roman Catholic Church; and when these statements were brought to his knowledge in a friendly spirit by a brother clergyman, he received them in such a manner as to lead to the unavoidable conclusion that they were true. He was then presented to a benefice in a different diocese, and went to another bishop for institution. The parishioners of Frome, to which he was appointed, memoralised their Bishop, and gave extracts from Mr. Bennett's published works. The condemnation of his former diocesan was again virtually repeated. The fact was brought before the Bishop in such a way that he could satisfy himself that he had denied the supremacy of the Crown, and that he took the oaths in a qualified sense. All these things were either brought before the Bishop, or would have been if the desired delay had taken place; but without the delay and without the inquiry required by law, without the proper certificate, he not only instituted him, but did so in such a manner as to shut out the parishioners from the only tribunal established by law before which they could have redress. He must say that when he was told that in such a case a Parliamentary Committee was the only resource, because a Commission of the Crown would not be respected, the statement created considerable surprise in his mind. During the last few years they had had some hundreds of commissions, invested with no more authority than that proposed, which had inquired into all kinds of subjects, which had afforded to the House much valuable information, and the efforts of which had in no case been baffled. And now, in a case of great grievance and of unparalleled scandal, they were told that a commission of inquiry could not succeed, for answers could not be enforced to the questions put by it. He took it that this statement was not made but on good grounds and authority. Taking this peculiar case, he hoped this was not the answer given by the Prelates of the Established Church, for he believed that by no other class would a commission issued in the Queen's name not be received with immediate respect. He believed that at the door of the humblest cottager a commission issued in the name of the Queen would be received with respect, and that all Her Majesty's subjects would evince their loyalty by respecting a commission to inquire into any fit subject, no matter how unpalatable it might be, because that commission was issued in the Queen's name. He should have thought that the Prelates of the Established Church would have been the first to respect the Queen's authority; that they would have been glad of an opportunity to acknowledge the principle, of which their Sovereign had set such an example, that to the highest rank was attached the highest responsibility, and that great powers and privileges were to be held for public purposes, and not desecrated for selfish ends. That was the principle acknowledged by their Queen. He would leave the House to deal with this question, for he did not consider it a Government or a party question, but a question addressed to the conscience of every man, and one on which every man should exercise the right of private judgment. He would say that Parliament was now responsible for the manner in which they should deal with a question which could not be evaded. The responsibility which might have formerly rested on Mr. Bennett, or when Mr. Bennett was instituted, on the Bishop, was, now that it had been brought before Parliament, thrown sole and undivided on the Parliament. The question, either as affecting the sincerity of their faith, the supremacy of the Crown, or the jurisdiction of Parliament, involved most serious considerations; and he thought it would be a very unfortunate and very fatal event if Parliament on that occasion were by a majority to refuse the inquiry which every one admitted ought to be instituted. A majority in such a case would only show how fatal and how dangerous a majority is when opposed to truth. A majority, in such a case, could not influence public opinion; it could not acquit Mr. Bennett, for public opinion already condemned him, nor would it acquit the Bishop of Bath and Wells, for his own acts convicted him; but this a majority might do—public reprobation might be diverted from other parties, and the finger of scorn would be pointed at the House of Commons—it would be said that their Protestantism was a pretence, that their loyalty was a sham; and that in endeavouring to screen individual delinquency they permitted a public wrong—that they were degrading themselves, and destroying the Church.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the circumstances connected with the institution of the Rev. Mr. Bennett to the Vicarage of Frome."

MR. FEARGUS O'CONNOR.

SIR B. HALL rose and said: Sir, I rise to order. I have to appeal to the House on the conduct of an hon. Member who sits near me (Mr. Feargus O'Connor). I was calling on the House to divide, not seeing any hon. Member rise to address the House, when the hon. Gentleman turned round and struck me in the side. Sir, I have told the hon. Gentleman on a former accasion that if he addressed me in the House, or pursued an annoying course of conduct towards me, I should call the attention of the House to the matter.

MR. SPEAKER: The hon. Member for Nottingham has been so long a Member of the House that it is unnecessary for me to remind him that no Member can be permitted to interrupt the debates, and I am sorry to say that the hon. Member has so habitually violated the rules of the House that, if he further persists in this course, I shall feel it my painful duty to call the attention of the House to the hon. Member by name, and it will then be for the House to take such ulterior steps as may prevent the repetition of such misconduct.

MR. FEARGUS O'CONNOR immediately rose and addressed the Speaker in a most excited and incoherent manner.

MR. SPEAKER: I now must call on the hon. Member by name. Mr. O'Connor, you are now called upon to apologise to the House; and if you have any apology to offer to the House, now is your time to do so.

MR. FEARGUS O'CONNOR: I beg the pardon of the hon. Gentleman, and now I apologise to the House. I beg pardon.

FROME VICARAGE—THE REV. MR. BENNETT.

Debate *resumed.*

MR. GLADSTONE: Sir, I am sure the House will not permit its attention to be distracted from this important discussion by the painful scene which has just taken place; and I will commence by expressing my regret that I am called on to follow the hon. Gentleman (Mr. Horsman) without any intimation from Her Majesty's Government as to the course which they intend to take on this question; because, although I, being personally acquainted with the eminent individual who is the object of the hon. Gentleman's charge, have made it my study to inform myself on the subject of his conduct, yet as this is, after all, mainly a legal question, and, as such, cannot be discussed without the application of legal knowledge and authority, I had hoped and expected to hear from the Government, or from one of the law advisers of the Government, their views on the distinct legal issues which have been raised—and I must say not unfairly raised, but broadly and visibly raised, by the hon. Gentleman on a question on which we might expect that the Government would be prepared, with the authority of a Government, to offer their advice, to the House as to the course which we should take. The hon. Gentleman has raised this question as a legal question; but I regret he did not strictly confine himself to its legal bearings, and that the hon. Gentleman, in his desire to attain the truth, which I do not at all question, has allowed his oratorical powers and the warmth of his own feelings to mix themselves with the facts of the case to a degree that with the ability which the hon. Gentleman ever displays, may prove most dangerous, unless we endeavour to bring ourselves back from whatever warmth of feeling has been infused into the consideration of the case, and to take, in discussing a legal question, a strict and dry view of the merits of the case. I will not follow the hon. Gentleman through all the points of his speech. The hon. Gentleman in the concluding portion tells you that you must adopt his Motion, or that your Protestantism is a pretence, and your loyalty a sham. Now, Sir, it appears to me that this issue is to strong—it appears to me that we may on this subject exercise a discretion—that we are entitled to test the statement of the hon. Gentleman, and to see whether he is borne out by authority in the doctrine he has laid down—to test whether the hon. Gentleman has adhered to his own doctrines—to see that he has not overturned one portion of his speech by what he advanced in another—in short, that we are entitled to say "yes" or "no" on this question, regardless of the threat that if we say "no" our "Protestantism is a pretence, and our loyalty a sham." I will first give the House an example of the magnifying powers by which the hon. Gentleman no doubt deceives himself. The hon. Gentleman said that the Government, in arguing this question, intimated their objection to a Commission, on the ground that they might not be able to procure answers to their inquiries. That is a fact; but all the rest of the hon. Gentleman's statement on this subject is inference. Let us see what are his facts, and on what he builds his inferences, and with what modesty he applies them to the whole episcopal bench. The hon. Gentleman having inferred that the Bishop of Bath and Wells would refuse to answer any questions put to him, applies this inference to the whole bench of bishops, and on this inference founds a tirade against the whole episcopal bench, and says that there is no other class in England that would be guilty of such conduct. I am not here to defend the Bishop of Bath and Wells, or anybody else, if they do not do their duty; but I say that bishops, like other people, are entitled to justice, and to some decency of treatment, and I am bound to say that the hon. Gentleman does not show them that justice or treat them with that decency to which they are entitled. I have heard the hon. Gentleman before this bold in his denunciations against them; I have heard him build up fabrics of accusation against particular prelates on account of acts which, when they came to be examined, turned out to be acts of splendid munificence. I allude, as the House no doubt understand me, to the Horfield Manor. The hon. Gentleman was subsequently bound to admit that his accusations were unjust, that his charges were unfounded. He found that every material charge he made was perfectly untrue, and that the facts upon which he relied utterly failed to sustain him. The hon. Gentleman has taken the function of a public censor upon him. The character is not new to him. I remember, in 1838, when the hon. Member was an Elder of the Presbyterian Church— (*A laugh*) —I do not state it as a reproach, that he then made a charge against a most eminent man, Dr. Chalmers. [Mr. HORSMAN: Hear, hear!] I admire the cheer of the hon. Gentleman; he surely does not deny the fact. But Dr. Chalmers was obliged to speak and publish for the purpose of demonstrating what he called the "aërial nature" of the accusation. However, as the hon. Gentleman has taken upon himself the character of a public accuser, he is bound to take care of the language he uses, and, while I am sure he never wilfully deviates from the real facts of the case, he is bound to be careful that the views which he presents can be brought to the standard and criterion of fact; and if he goes into disquisitions requiring the aid of legal knowledge, he is bound to inform himself what is the true state of the law before he charges any person with its infraction. The hon. Gentleman should moreover avoid launching charges against bishops or eminent men, not that they should be protected more than any body else, but he should, avoid launching charges against any person whatever unless he is sure that the principles on which he proceeds are sound, and capable of bearing investigation. This is the dilemma which the hon. Gentleman has put to the House—which, however, I should be sorry to accept—either this House is fit for debates like the present, or else you ought not to have an Established Church at all. I am in fear and trembling to differ with the hon. Gentleman; but it does appear to me just possible that we ought to have an Established Church, and yet that this House is not the fitting arena for discussions like the present. Sir, I do not scruple to say that this House is not a fitting arena for these discussions. I do not say that it is possible to avoid them altogether. When I speak of the warmth with which statements are coloured, I admit that there is much provocation—that there have been many imprudencies—that much blame has been found justly, and I will admit that the Church of England is rent and torn from head to foot with her dissensions—but I put it to the House solemnly and sincerely, and I ask, Do you think that religious divisions are likely to be mitigated—do you think that the sores and wounds of the Church of England are likely to be healed—by rhetorical declamation, by the misrepresentations of occurrences, and the misstatement and exaggeration of facts? I do not know whether I shall offend in the same way; but if I do, I say my guilt will be double, because I have the deepest sense of the injury and the mischief which is wrought by these discussions. The hon. Gentleman, surely, does not imagine that by means of these oratorical parades made in this House, and received with cheers, the dangerous influence of the men whom he wishes to put down will be overcome? If he knows anything of the nature of religious partisanship, he must know that heat and violence on one side, engender heat and violence on the other. If the question at issue were the maintenance of sectarian spirit and feelings in the Church—if the influence of Mr. Bennett were in question before that House, I know no better method of maintaining and propagating that influence than by singling him out as the object of attack, if it should appear that these attacks were not founded in justice. Now, I think that the first question the House has to consider—and is the idea they must endeavour to carry along with them in the present discussion, if they wish to neutralise its evils and bring it to good—the first question which they must clear up for themselves is this—Was the country to be governed, whether in ecclesiastical or civil matters, by the private opinion of particular men, according to the popularity which they may possess at the moment, or by a system of fixed law? If it is to be governed by the private opinions of popular men, then I say representative institutions would become little better than a nuisance, and ecclesiastical discussions would become the bane and pestilence of this House. Sir, we have not on the present occasion to decide what would have been in the abstract right. We have to decide one of two questions: first of all, have the laws been obeyed? secondly, are the laws good? If they are good, obey them; if they are not good, alter them:—but you have no right to establish an extra-legal system of influence or jurisdiction, by which you are to operate on the regular administration of the laws. The law must move in its fixed course, irrespective of the opinion of the day, irrespective of the opinion of the hon. Member for Cockermouth. That is the first principle I set out with. And now I wish the House to keep clearly before them who is the person who is brought in question before them? The speech of the hon. Gentleman has a good deal cleared up that question, and I thank him for it. Who is the person? As I understand, the person whose conduct is before the House is the Bishop of Bath and Wells. The Bishop of Bath and Wells is a great officer of the State. I have long held the opinion—and I do not shrink from avowing it—that it is a great absurdity that our law should afford no ready means of correcting a delinquent bishop; and I frankly own that I would view with the greatest favour any judicious proposal to effect such an object. The point I shall, however, put is, that the Bishop of Bath and Wells is not a delinquent bishop; that there is not a *primâ facie* case of delinquency of any sort or kind, or in any manner or degree, against him. It is the conduct of the Bishop of Bath and Wells which is questioned, and is in dispute; let us therefore put aside all other parties. We have nothing to do with the patron in this case. I say this, because the hon. Gentleman has adopted words so large in his Motion that it might appear that they included all persons in the case; but the hon. Member has disclaimed any intention of bringing any accusation against the conduct of the patron, who as he admits had acted not only according to law, but according to conscience. There is another important element in this case, to which I beg great attention. I allude to the feelings of the people over whom a particular presentee is appointed to preside. But the hon. Gentleman is bound to admit, and indeed he has admitted, that in this particular case, through whatsoever peculiarity, and through whatsoever delusion, the people of Frome are perfectly satisfied with what the patron has done. [Mr. HORSMAN: Hear, hear!] Then the hon. Gentleman does not admit that the people of Frome are satisfied? Now I do not believe it was an intentional misstatement upon the part of the hon. Gentleman, but it was a misstatement when he represented that the objectors to Mr. Bennett's preferment were the parishioners and clergy of Frome. I do not want to give more value to this fact than it deserves, but I can state that the parishioners of Frome are not dissatisfied, but are satisfied and gratified with this appointment. I hold in my hand a letter from Mr. Miller, a churchwarden of Frome; it is dated the 17th of April, and is addressed to the Marquess of Bath:—

> "I have the honour to acknowledge the receipt of your Lordship's letter of yesterday's date, and will proceed to answer the inquiries therein contained, fully, fairly, and impartially. The appointment of Mr. Bennett is not unacceptable to the body of the parishioners. This I boldly assert —this I am prepared boldly to maintain. The inhabitants of Frome are under many and great obligations to the house of Thynne, but there is none they more cheerfully recognise or more gratefully appreciate than the blessing bestowed on them in the regard manifested by that noble family for their spiritual good in nominating Mr. Bennett vicar of Frome. I assert, and without the slightest fear of contradiction, that since Mr. Bennett commenced his ministry the morning congregations have increased at least one-third, and that as to the evening services, there never were so many persons assembled within the walls of St. Peter's Church. The lowest calculation last Sunday evening was 2,000. At the commencement many may have been attracted by curiosity and the love of novelty; but at the end of three months there is not only no diminution, but the congregation is increased and increasing."

Now, whatever opinion hon. Gentlemen may hold of the sentiments in that letter, the question is not the propriety or justice of the sentiments of these people with regard to Mr. Bennett; it is whether these are or are not the sentiments of the people of Frome; and had the parishioners been overridden in this matter? I understand the hon. Gentleman to deny that Mr. Miller represents the opinion of the people of Frome. I find in a postscript to his letter, that at a vestry meeting held last Thursday he was unanimously re-elected churchwarden. I do not deny that the movement was originally got up by some clergymen in Frome. I think that nothing could be more indiscreet than the proceedings of these gentlemen. But under their influence fifty-four parishioners protested against his appointment—out of these only sixteen belonged to the parish church—and more than one-half in the space of a few weeks returned to Mr. Bennett. And here I may state a fact which is of a solemn character. One of the fifty-four who signed the protest was taken alarmingly ill; he sent for Mr. Bennett, and he died receiving his ministration. But here were fifty odd persons protesting out of a congregation, while more than 1,100 persons in an address bore testimony to the soundness of Mr. Bennett's doctrine. Now the hon. Gentleman will no doubt say this only proves the depth of blind delusion into which the parishioners of Frome have sunk. I say, however, that the hon. Gentleman, instead of taking these inflated and extravagant views, and instead of assuming that every one of his charges were established truths, ought to have weighed these facts carefully before he appealed to the House; and I say that this address of the parishioners of Frome leads me to the encouraging hope that he has been conducting himself wisely, and—whether, like other men, he may have been rocked and shaken in the ecclesiastical troubles which have disturbed the Church—that he is now settled in his allegiance to her. Sir, I say that this is the rational inference which we ought to draw when we see the parishioners of Frome expressing their delight at his appointment. Well, but Mr. Bennett is not properly before the House. I think there is good reason why he should not be so. The accusations against Mr. Bennett divide themselves into two classes: his proceedings at Kissengen, and his public ministration in this country. The latter is summed up in what the Bishop of London has done. With respect to the proceedings at Kissengen, I am not sure of the state of the facts, except in one important particular. The hon. Gentleman assumed that as Mr. Bennett did not appear at the English Church at Kissengen, he had proved unfaithful to the Church of England. I think the hon. Gentleman forgot that Mr. Bennett was travelling as a chaplain to a private family. Now, in the eye of the Church and the law, a chaplain and a family constitute as complete a congregation as you can under your defective ecclesiastical arrangements have the means of calling together in Kissengen. And I say this because in Italy, as well as other places on the Continent, these congregations are in many cases only another name for anarchy. The allegation then that he was not discharging his duty as a clergyman of the Church of England, by absenting himself, therefore utterly fails. As to the story about the altar stone which he carried about with him, and which every Roman Catholic priest is bound to carry with him, it entirely passes my powers of belief. The hon. Gentleman may be able to make it good, but it will greatly surprise me if he is. But we have only to do with Mr. Bennett's proceedings in so far as they affect the conduct of the Bishop of Bath and Wells. I do not think that the Bishop of Bath and Wells could have taken notice of these proceedings at Kissengen, inasmuch as they took place out of the purview of our ecclesiastical law. The case of the Rev. Baptist Noel is in point. When that gentleman went to Scotland he officiated in Presbyterian chapels in Inverness-shire, and preached in Presbyterian pulpits. His conduct was made the subject of comment; but it was decided that the Bishop had no power, as the offence was committed out of the jurisdiction of the English Church. The accusations against the Bishop of Bath and Wells resolve themselves into three distinct charges. First of all, undue haste, that haste not being needed, but being founded on a set and corrupt purpose to prevent the parishioners of Frome from having a fair opportunity of objecting to his appointment. The second charge is that he instituted Mr. Bennett without requiring the proper certificate from his former Bishop; and the third charge is that he instituted him without a due examination into his doctrine and teaching. Now, it appears to me that each and every one of these charges is without the slightest shadow of a foundation. The hon. Gentleman has to-night amended his first statement. His first statement led the House to believe that when a bishop received a presentee he was invested with a large discretionary power either to accept or reject him. The case of a presentee is not like that of a curate, or like that of a man who makes application to be ordained. If objection can be made against the moral conduct of an applicant, under these circumstances the Bishop is bound to reject him. But is that the nature of the Bishop's power and functions with regard to a presentee? What is the genius of your laws upon this subject? Perhaps the hon. Member imported his knowledge upon this subject from Scotland. Perhaps his familiarity with the Scottish customs may account for his ideas upon this point. In Scotland a better system prevails. The law of Scotland gives to the parishioners free power of objecting to a presentee; but, although it looks with jealousy on such objections, still there is a machinery by which free scope is allowed to the party objecting. But that is not the genius of the law of England. The inherent spirit of the English law is to guard with every imaginable security and jealousy the advowson of the patron, to shield and secure his civil rights, and to protect the inchoate rights of the presentee. The spirit of the Constitution soon becomes the spirit of all your courts. So it has been with regard to the law of mortmain. Gathering the spirit of your legislation, they have given a rigid construction to the statute. Well, then, the spirit and feeling of your courts is to view with the utmost jealousy any infringement of the civil rights of the patron. The powers of the bishop are accordingly narrowed, in order to give effect to that which the law favours. Could the Bishop of Bath and Wells say to the presentee, "You have written passages with regard to Scripture which do not meet my views, and therefore I refuse to institute you;" or could he, when the presentee took the oath of supremacy, also refuse him institution because he interpreted it differently to him? Or because the Bishop of London virtually, as the hon. Gentleman says, but not legally, expelled him from his diocese, could the Bishop of Bath and Wells say, "You were expelled by the Bishop of London, and therefore I cannot admit you?" Or because three or four clergymen of Frome, and fifty parishioners, present objections to Mr. Bennett, and request him not to grant institution, could the Bishop of Bath and Wells accede to that request? Why, he would be forthwith called on to render an account of his conduct in the Court of Queen's Bench, and it would not be enough to tell the Court that the Bishop of London and fifty parishioners of Frome disapproved of Mr. Bennett's conduct. He would be obliged to show, absolutely and positively, drily and legally, that he was not bound to institute Mr. Bennett; and it would not be enough to show him indifference: he must show that he either taught heretical doctrines, or failed in his moral conduct, or that he was deficient in his learning. If he did not do one of these things, he had no *locus standi* in the Court, which would be no trifle. One would suppose, from the statements of the hon. Gentleman, and the favour with which they were received in this House, that this matter of a strict examination by the bishop of presentees is very popular in this country. But, as far back as 1624 the House appointed a Committee to inquire into certain grievances complained of against Dr. Harsnet, the Bishop of Norwich; and on the 7th of May Sir Edward Coke reported from the Committee of Grievances several complaints against the Bishop, and one of those complaints was that he did not institute presentees, to the prejudice of patrons. Much later there is the case of the Bishop of Exeter and the vicarage of Bamford Speke. The hon. Gentleman supposed that the Bishop was endowed with large powers of rejection. But the Bishop of Exeter knew to the contrary by a somewhat hard experience—by a bill of costs, amounting to somewhat over 3,000*l*. And this, again, is a point to be observed. The ruinous and destructive—the crushing—costs of these ecclesiastical suits are enough to paralyse any episcopacy, however anxious to discharge their duties. Really you can hardly expect men to face such tremendous difficulties. There was one case which I may mention: it occurred to a friend of the hon. Member for Cockermouth—the Bishop of Gloucester and Bristol. That prelate had a prosecution against a clergyman for immoral conduct, which cost him no less a sum than 4,200*l*. On the principle that justice ought to be done, even to bishops, these facts ought to be remembered when they spoke of the extravagant amount of revenues which they received: they ought to be recollected, not indeed to be preserved, but in order to be mitigated. Again, so zealous is the law to shield the patrons and their presentees, and to baffle the episcopacy, that it has provided two remedies, both founded on the same principle—the one by a *quare impedit* in the Queen's Bench, and the other by *duplex querela*. I have already stated that the bishop would be liable to a writ of *quare impedit* if he refused to institute. He would then be called upon by the Court to show reasons for his conduct, and if he failed in any of the necessary proofs he would be cast and condemned in costs. The Gorham Case was illustrative of the spirit of the law, which provided the clerk with two complete and entire systems of remedy, founded on the same principle of defence of the civil rights of the patron, and the inchoate rights of the presentee. In the *duplex querela* it was open to the clerk, if the bishop refused to institute him, to refer to the court of the Archbishop, and from him to the Committee of Privy Council. That was the course taken by Mr. Gorham against the Bishop of Exeter. Now, it is absolutely of vital importance to any fair view of the case, to bear in mind that in every step he took, the Bishop of Bath and Wells should keep within the range of his legal powers. The moment he got upon doubtful or beyond legal grounds, he would have been sconced to a fearful extent. The hon. Gentleman says the Bishop of Bath and Wells proceeded with undue haste, and for that he ascribes an unfair motive—the motive of bearing down the parishioners of Frome; but he (Mr. Gladstone) said the Bishop's conduct led in his mind to an opposite conclusion. I must apologise to the House for trespassing upon them so long; but the accusation of the hon. Gentleman was two and a half hours long, and it was very easy to listen to it, decked out as it was with all the embellishments that could make it agreeable to an audience; I, however, ask the House to take a strict and impartial view of this case, to assume a judicial character, and to give to Mr. Bennett the benefit of that character. Well, then, as to the parishioners of Frome. If the parishioners of Frome were anxious to interrupt these proceedings, they were bound to place the Bishop in a legal position to do what they required. They were bound to enter a *caveat*. If they had done so, they would have furnished the Bishop of Bath and Wells with a solid ground for delay; but they did not do so. Why did they not do so in the first instance? Why did they wait till the last moment? They knew that this was a legal matter, and they had legal advice at their disposal. It was known on the 30th of December that Mr. Bennett was to be instituted, but the institution did not take place until the 24th of January. A *caveat* could have been entered in twenty-four hours. This showed that there was plenty of time. But was this all? The *caveat* was ready on the 23rd of January, when Dr. Twiss advised its being entered, and Mr. Bennett was not instituted until the 24th. What was the conduct of the parties, although they did not enter a *caveat?* They presented petitions. By entering a *caveat* they would have assumed a forensic position, and would have been bound to have proceeded with their objection, but they did not wish to do so; they would so have made themselves liable to costs. It was a much more convenient course to present petitions, which were totally informal, and which, if the Bishop of Bath and Wells had alleged in the Court of Queen's Bench, they would have laughed in his face. They would have told him, "You are acting as a judicial officer, and, as such, are bound to proceed according to the forms of legal process." Why, there was not an attorney in Frome who would not have told them that if they were in earnest, the only way to testify it was by entering a *caveat.* That was the only regular and legitimate mode of enabling the Bishop to accede to their request. What was the position of the Bishop when he received their addresses? Would he have been entitled to stay proceedings on account of them? The duty of the Bishop on receiving their addresses was perfectly plain and straightforward. It was his duty only to see whether they contained any judicial matter, and if they did, whether it was to be supported judicially. The hon. Gentleman may think that the petitions did supply judicial matter; but what I want to know is this—if these parties believed that a legal offence had been committed, why did they not adopt the open and straightforward course of entering a *caveat* with the Bishop's secretary? As they did not do this, I say the Bishop could not have been justified in delaying institution. A Judge cannot delay justice, any more than he can refuse it. If the Bishop of Bath and Wells had delayed to institute Mr. Bennett into a valuable preferment, he would have done him a legal wrong. As regards the question of delay, there were twenty-six days between the time when the people of Frome became aware of the intention to present Mr. Bennett, and the time when he was instituted. I put it to the House, if these parties were in earnest, it was their duty to do one of two things: either to consult the Bishop, and ask whether he thought there was ground for legal proceedings against Mr. Bennett—in which case, of course they would have been bound by his opinion; the other course was, not to consult the Bishop at all, but to enter a *caveat* and commence legal proceedings. Neither of those courses did they choose; but their demand was this:—"We find Mr. Bennett does not hold opinions acceptable to us; therefore we ask you, not only to undertake the costs and risk of legal proceedings, but to take a course which you in your own mind believe to be bad and untenable." I leave that fact fresh in your minds—that on the 23rd of January they sought advice, twenty-five days after they ought to have done it, and when Mr. Bennett was on the point of being instituted. The hon. Gentleman says his second charge against the Bishop of Bath and Wells is, that the Bishop instituted Mr. Bennett without the proper certificate:—and here I think the hon. Gentleman falls into error in supposing that one of the canons he has quoted, namely, the forty-eighth, has anything to do with this matter. I believe I am beyond all risk of being contradicted by any one acquainted with ecclesiastical law when I state that for a long series of years the thirty-ninth canon has exclusively regulated the institution of clergymen into benefices. The hon. Gentleman thinks the Bishop of Bath and Wells has been guilty of a legal offence in instituting Mr. Bennett without the certificate of the Bishop of London. On that question I meet the hon. Gentleman by stating that the Bishop of Bath and Wells received from Mr. Bennett a full certificate with regard to his life and doctrine, which, if he had refused to entertain, would have entitled Mr. Bennett, or the patron, to prosecute him in the courts, and compel him to grant institution. The hon. Gentleman has admitted that the Bishop received the ordinary testimonial signed by three incumbents; and he asks who are the incumbents, and seems to suppose I have the testimonial. I have it not, and cannot state the names of the incumbents; but this I can state, that it was the usual testimonial. The hon. Gentleman has misstated the form of the testimonial, that Mr. Bennett had never done anything contrary to the doctrine or discipline of the Church of England. The language of the testimonial is, that he had never held, written, nor taught anything contrary to the doctrine of the Church of England. I wish to mention this, because it is very difficult to know all that a man has done within three years in his private actions; his teaching is more or less public, and is more properly made the subject of a testimonial. Then, Sir, thus far the Bishop received precisely the ordinary testimonial, so far as the incumbents are concerned, but not the usual testimonial so far as the dismissing Bishop is concerned. The Bishop of London, the hon. Gentleman says, annexed a statement with regard to Mr. Bennett, calling attention to the fact that Mr. Bennett had been dismissed from his diocese, or rather that the Bishop had availed himself of Mr. Bennett's voluntary offer of resignation—on account of unfaithfulness? No; he did not use that word—but because his continuing in the diocese of London would have prejudiced its peace and good order; and he called the attention of the Bishop of Bath and Wells to a correspondence in the *Times* newspaper between himself and Mr. Bennett. The testimonial is the usual testimonial, which compels the Bishop to admit, so far as the incumbents are concerned; but this is an unusual testimonial, having an extraneous comment appended by the Bishop of London. I think the House will agree with me that the question is to ascertain what is the effect—the legal value and effect—of this explanatory note by the Bishop of London—what duty did it impose on the Bishop of Bath and Wells? I have made that my study; and I understand notes of that kind are not unfrequently appended by bishops to the testimonials they sign. It is quite plain that if the meaning of the signature is fixed by law and usage, its legal effect cannot be altered or varied by any gratuitous comment of the bishop. If I or the hon. Member take an oath, it is not in our power to vary the legal effect of it by adding any observations of our own. The meaning of the Bishop of London's signature remained the same in point of law, whatever he appended to it. What, then, is the value of this explanation? The hon. Member says it made it the duty of the Bishop of Bath and Wells to ascertain for himself the doctrine of Mr. Bennett; it made it the duty of the Bishop to satisfy himself with the soundness of Mr. Bennett's doctrine. That is the third head of the charges brought forward by the hon. Member, which I must not anticipate. I want to show that the Bishop of Bath and Wells, so far as the second charge, stands manifestly clear; because the testimonial he received, and which compelled him to institute Mr. Bennett, differed from other testimonials only in the point that the Bishop of London had added an explanation which could have no other effect than to impose on the Bishop of Bath and Wells the duty of examining Mr. Bennett. So far, therefore, the second head could not form a separate head of charge against Mr. Bennett. The certificate from the Bishop of London, the hon. Gentleman admitted, was not necessary; the practice did not require it; the canon did not require it; nothing was wanted but Mr. Bennett's qualification, and the question was, whether upon the qualification the Bishop of Bath and Wells did admit him. Well, then, we come to the third charge—that the Bishop of Bath and Wells instituted Mr. Bennett without due examination; and I am bound to say, in the sense of the hon. Gentleman, he did institute without due examination, for such a construction as the hon. Gentleman has given to the phrase "due examination" may really suit the House of Commons; but I am confident there is no Gentleman who has ever looked at the legal question who would not at once repudiate it. I see lawyers present who are entirely with the hon. Gentleman on this subject, and I make my appeal with just as much confidence as to those who are in feeling against the Motion. The hon. Gentleman laid down this doctrine, that a Judge—for the bishop acts in the strictest sense as a Judge, in admitting presentees—he laid down the doctrine that the examination by this Judge was not to be an examination of such a nature and carried to such an extent as to satisfy him, the Judge, and his conscience, on whom and whose conscience the law laid the burden of decision, but so as to satisfy other individuals to satisfy the public, to satisfy the Member for Cockermouth. I wish I could get the hon. Gentleman to look in cool blood at the consequence—I do not mean to use exaggerated terms—the frightful and odious consequence of such a doctrine of the judicial duty, and such a conception of the judicial character—that the Judge, looking at the evidence prepared in a solemn matter, is not to look at what will satisfy himself and his own conscience, but at what will satisfy the public, and the conscience of the public. I am repeating the words of the hon. Member. If I am not—if I have misunderstood the hon. Gentleman—if he admits the duty of the Judge is one of solemn responsibility to institute such an examination as shall satisfy and conclude his own judgment and his own conscience before God and man in a matter so serious as this, then we are agreed. Did the Bishop of Bath and Wells do this? I say he did. He did examine Mr. Bennett; he examined him—not in the Greek Testament, not upon matters of form, not upon matters of the ritual—he would not say ritual—not upon matters of ecclesiastical history, but he examined Mr. Bennett, not of former or other times, but Mr. Bennett of January last. The Bishop of Bath and Wells, suffering from great illness—from torturing and crushing illness, but in the possession of his powers, and not (as the Secretary for the Colonies had stated) in extreme old age, but perfectly competent to discharge his duties—he seriously and carefully examined Mr. Bennett upon all those points on which he thought an examination was called for—the points in difference between the Church of England and the Church of Rome—and not until he had examined Mr. Bennett upon all those points, and not until he was satisfied that Mr. Bennett upon all those points held with the Church of England, did he take the step of granting institution to Mr. Bennett; because, of course, if Mr. Bennett had held the opinions of the Church of Rome with regard to the Thirty-nine Articles, his course was clear—it was his duty to refuse institution. Finding, in his judgment, there was no ground for agreeing with the parishioners of Frome, or the hon. Gentleman, he proceeded to grant it. The Bishop did subject Mr. Bennett to due examination, and I ought to say this—that he did it, not from fear of compulsion by any movement of the parishioners, but before any movement of the discontented clergy or laymen took place at all. It was done by the Bishop because he saw and felt the circumstances of Mr. Bennett's former career were such as to call on him without being urged on by any one, and because he knew well he must take the responsibility of rejecting him. Upon his own responsibility, then, and with his own mouth, he examined Mr. Bennett, and with full satisfaction, on all those points. The hon. Gentleman fairly beats me when he leads this House into pure and direct theology. The hon. Gentleman was extremely ingenious in this process. The hon. Gentleman having quoted, for his own immediate purpose, some proposition or other from Mr. Bennett's writings or sermons on a theological point, forthwith suggests that it is not appropriate in that House to discuss the proposition; but the hon. Gentleman thinks it extremely appropriate in himself to decide and conclude upon the proposition without discussion. The hon. Gentleman made a great point of a passage in which he attributed to Mr. Bennett the proposition that the Bible was a fiction and an absurdity. Now I hold in my hand the pamphlet which contains the passage the hon. Gentleman has quoted; and Mr. Bennett has complained bitterly how altogether misrepresented this passage has been by being wrenched from its context, so that it bears a totally different meaning, so separated, from that which it bears with its context. The hon. Gentleman, however, wants to have it understood by the country—first, that Mr. Bennett has declared the Bible to be a fiction and an absurdity; and, secondly, that the Bishop of Bath and Wells, knowing that Mr. Bennett had made this declaration, deemed it a proposition not requiring his judicial and episcopal cognisance. When I turned to the passage, I saw the passage, in my humble opinion, was totally altered by being wrenched, cut, and carved. I could remedy this by reading the passage to the House, but I will not do so. It is really an affecting statement of the most solemn doctrines of religion, which I cannot profane by reading to the House of Commons assembled for the purpose of debate on this question. The hon. Gentleman shows that he is not in the least aware of the common history of the Church of England except during the years in which he has belonged to it. He shows that he is totally unaware of one of the greatest religious controversies of this century. The passage has reference to this question—whether in the work of propagating Christianity, spreading Christianity among those not Christian, the Bible should be used alone. Mr. Bennett says it is a fiction and a delusion to send the Bible alone among persons unacquainted with Christianity for the purpose of making them Christians. Mr. Bennett has never said anything against the use of the Bible by Christians for the edification of their souls.

The hon. Gentleman ought to know this, that many years after the foundation of the Bible Society, that institution was opposed by nearly the whole of the Bishops of the Church of England—he doubted if there was more than a single exception—and by the great mass of the clergy, because they contended—whether rightly or wrongly is not now the question—that even among Christians, particularly in foreign lands, the circulation of the Bible alone was not the use of it which our Saviour intended as a means for the propagation of Christianity. Therefore Mr. Bennett, whether right or wrong, held an opinion resting not on any such monstrous proposition as that the Bible was a fiction and an absurdity, but one commonly and most rigidly held by a very large mass of the bishops and clergy of the Church of England, that the Bible was not to be used as the sole means of propagating Christianity.

Mr. HORSMAN explained: I did not say Mr. Bennett used those words. I quoted the memorial of the parishioners of Frome, who put that passage before the Bishop. I gave no opinion upon it.

Mr. GLADSTONE: I beg pardon, but the hon. Gentleman forgets he reverted to it in another part of his speech. I wish to be strictly accurate; and certainly the hon. Gentleman imputed either that Mr. Bennett, or the parishioners of Frome under Mr. Bennett's teaching, entertained the belief that the Bible was a fiction and absurdity, or words to that effect. What I want to put to the hon. Gentleman is this: with regard to a common opinion of the great mass of the bishops and clergy, no matter whether right or wrong, could the Bishop rationally hope, in suspending Mr. Bennett, that would be admitted as a valid reason by the courts of law to which the patron or presentee would appeal? I laid it down with emphasis at the commencement of these remarks, that we must be governed by the law, and not by private opinion. If we hold fast that doctrine, I shall not be afraid of any result at which we may arrive. What I am afraid of is, that, as the law represents the spirit of one period, and we represent the spirit of another period, having suffered the laws to continue unadapted to the purposes for which they were originally intended, we shall measure our judgment by our own opinions when called on to consider the conduct of a high judicial public officer, and not by the opinion of the law, by which standard alone he is bound to perform his duties, and for a departure from which he can only be blameable and liable to punishment. Coming to the second branch of this question—it seems that Mr. Bennett put a particular construction upon the oath of supremacy; and the hon. Gentleman says the construction is contrary to the meaning of that oath, and complains that the Bishop did not on that ground institute judicial proceedings against Mr. Bennett, or stay his institution. Now, in the first place, it was obvious that the Bishop himself had a different opinion of the matter from the hon. Gentleman, for he told the parishioners that he had given his best attention to the whole subject, and the manifest inference thence was, that, as to the oath of supremacy, his construction concurred with that of Mr. Bennett, since, having examined Mr. Bennett's opinions, he thought fit to institute him. It may be urged, perhaps, that the Bishop himself was wrong herein; but, if so, is that just matter of charge against him? If the law is not so clear but that bishops were liable to misconstrue it, let the law be made more clear; but, meanwhile, let it not be made matter of accusation against them, that they hold opinions on particular doctrines differing from those of individual Members of this House. The hon. Gentleman ought to recollect this question is one which, in all seriousness and in all fairness, has been much debated and discussed in this House. I have heard the noble Lord the Member for the City of London give one construction, and other Members give other constructions of the oath of supremacy; and the hon. Gentleman must know that two Peers are precluded from taking their seats in this House because it is impossible to fix a clear and certain meaning to it, and they give so much weight to their scruples of conscience that they will not run the risk of violating them. But that is not what the hon. Gentleman says. If what he says be true, that the construction put on the oath of supremacy by Mr. Bennett is such as to constitute a specific offence, that Mr. Bennett is thereby guilty of false doctrine, why not try the question in the courts now? Why not raise the legal question? There is no limitation of two years to apply here. If I understood the hon. Gentleman, and if my memory serves me correctly, this offence was committed the latter end of 1850. Why not try that offence? Has the opinion of Dr. Twiss been taken on the point? Did he say any offence was committed by that construction? If he did not say so, why make it part of the charge against the Bishop of Bath and Wells? If he did say so, why not institute proceedings thereon against Mr. Bennett in the Ecclesiastical Court? How can the hon. Gentleman escape from that dilemma? What I say is this. The Bishop has been acting all along, not upon the opinions of the hon. Gentleman, or the private opinions of any one, but upon grounds strictly judicial; considering what the law is, and considering, as he is bound to consider, what are the grounds of objection, and if stated in the Court of Queen's Bench, and such courts as are open for further appeal, whether the objections would warrant him in staying proceedings. It was not for the Bishop, from any fear of popular clamour, from any fear of the hon. Member for Cockermouth, to refuse to Mr. Bennett that which had been given him, though there was a popular case against him, which might draw forth a few rounds of cheers from the House of Commons, ill-informed of the particulars of the case. That, as it appears to me, is the substance of the case of the Bishop of Bath and Wells, in answer to these three charges. I have shown you on the first that twenty-six days elapsed between the presentation and the institution of Mr. Bennett, and if the recusant parishioners had minded to stay these proceedings, all they had to do was to have a *caveat* drawn in the course of a few hours, and lodged in the Bishop's Court, which would have enabled the Bishop to hold his hand. Without that *caveat* the Bishop was not able to hold his hand, and would subject himself to a very heavy legal consequences if he held his hand; and yet the hon. Member says your Protestantism will become a delusion and your loyalty a sham if you do not vote by implication a vote of censure upon a Judge for doing his duty towards an unpopular man under unpopular circumstances. As to the second charge, I have shown you that the evidence was precisely that which bishops take in every other case, and in no respect fell short of it. I have shown you that the comment by the Bishop of London had merely the effect to draw special attention to Mr. Bennett's doctrine, and make it the duty of the Bishop of Bath and Wells to inquire. When I come to the third point, I have shown you that, without waiting for any any such representation, the Bishop had already inquired, whether rightly or wrongly, had made up his mind that Mr. Bennett could not be convicted of false doctrine under the laws of the Church of England—under the laws as they stand—and, therefore, it was his duty neither to delay or refuse justice demanded at his hands. And, lastly, I have shown you that the conduct of the Bishop of Bath and Wells is borne out by the conduct of others; that the declaration with regard to the Oath of Supremacy is signed by Mr. Bennett, in a printed paper, and that it does not require any one to go to the Bishop of Bath and Wells to try that question. Even now two years have not elapsed, and there is a perfectly legal remedy if they choose to try it. They did not choose to subject themselves to the responsibilities of legal process, but kindly asked the Bishop of Bath and Wells to do it for them, not in furtherance of his own opinions, but in furtherance of their opinions, from which he entirely differed. That I imagine to be the case of the Bishop of Bath and Wells. If it be found, when taken into a court of justice, that Mr. Bennett's doctrine is contrary to the Church of England, then the case against the Bishop of Bath and Wells will be changed, because he said, and does say, he examined into the doctrine and the questions contested between the Churches of England and Rome, and he found the doctrine of Mr. Bennett conformable to the Church of England. If the teaching of Mr. Bennett is found to be conformable to the Church of Rome, I fully grant there will be something like a presumptive case against the Bishop; but of such a case at present there is not the slightest shadow. I now come to the question, what are we to do with the Motion now before the House? It is not my duty to suggest any course to the House. I can understand why the Government wished to hear what I had to say on the part of the Bishop of Bath and Wells, but I shall now expect to hear from them what course they intend to take. I will not presume to submit any Motion to the House; but I will say a few words on the subject of the Motion itself. I confess I have great objections to the Motion as it stands, to inquire into the circumstances connected with the institution of Mr. Bennett to the vicarage of Frome. Those words are large and vague; the institution is the act of the Bishop, and any Member who votes for the Motion as it stands commits himself to the principle that *primâ facie* a case has been made out against the Bishop of Bath and Wells—that he hut not acted according to the letter and the spirit of the law. Nothing can induce me to give such a vote, because a vote more contrary to fairness, truth, and justice, has never been given by any Member of this House. The hon. Gentleman anticipates that it will be urged that the inquiry cannot go on; and he refers to the objection to the Motion of the hon. Member for North Warwickshire (Mr. Spooner). I was not aware before that the hon. Member for Cockermouth was willing to place himself in the same boat as the hon. Member for North Warwickshire. I do not think inquiry can take place this Session. My objection, however, is to inquiry *simpliciter*, into the circumstances attending the institution of Mr. Bennett into the vicarage of Frome. I say, if we have inquiry we ought to have an inquiry not into the circumstances connected with the vicarage of Frome, but into the really great and important subject of the state, and spirit, and enactments of those laws, which seemed to have been studiously framed by a long succession of generations of legislators to discourage bishops—to render it almost impossible for bishops to do that which you find fault with the Bishop of Bath and Wells for not doing. If you like to inquire into the subject of ecclesiastical appointments, those to bishoprics included, with a view, among other things, to facilitate well-grounded objections to such appointments, if you will patiently and impartially investigate the state of the law on these points, so as to bring the inquiry to a well-considered conclusion, you will indeed confer one of the greatest possible services on the country, and materially contribute to the stability of the Church of England. I am not sure that bishoprics should not be included in the inquiry, where the facilities of objection are less. I admit there is not sufficient scope to parishioners having canonical objections to pastors placed over them. I do not want to open the door to vexatious objections;—I think we ought resolutely to set our faces against them;—but so far as canonical objections are concerned, they ought not to be left to be thrown into the lap of the bishop, and to be maintained on his responsibility. Whether that inquiry should be made by a Commission or by a Committee, is another question. If we are to have immediate inquiry, it cannot be done by a Committee at this late period of the Session; because, although the hon. Gentleman will only require ten days to bring forward his witnesses, other Gentlemen, who take different views, will wish to bring forward other witnesses. I wish for a thorough investigation into the state of the ecclesiastical law and the canonical method of dealing with objections to appointments; and if Her Majesty's Government are disposed to undertake that inquiry, I am quite satisfied it will be giving a useful turn to the discussion raised by the hon. Gentleman. If the Government for that purpose moves the appointment of a Commission or of a Committee, I shall be prepared to give it every favourable consideration; but as to the Motion now made for the purpose of holding up to implied censure a high judicial officer in the Church—one who has done his duty to the utmost—against such a Committee I have the gravest objections, because I think it not a straightforward but a dark implication, by which you cast censure on a man who has never disgraced the high position he holds, and who, instead of deserving blame in this matter, deserves your commendation.

SIR JOHN PAKINGTON: The hon. Member for Cockermouth, who has brought this subject forward, referred in the course of his opening speech to some language which I held when he first brought this subject before the House; and, although it is not my intention now to detain the House by going into the subject at any length, I should, in consequence of that reference, have risen when he sat down to state—which I am now prepared to do distinctly—the feeling I entertain upon the specific Motion which he has proposed to the House, had it not been for the announcement made some time ago by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that whenever the subject was again brought before the House he should feel it his duty to take that opportunity to vindicate the conduct of the Bishop of Bath and Wells. The right hon. Gentleman has done so with his usual ability; and he certainly has gone very far to justify the course which the Bishop of Bath and Wells took in this case, acting, as he has very truly said, judicially, and bound judicially to decide—ay or no—whether, after the patron of this living had presented Mr. Bennett to it, he would have been justified in refusing to institute that gentleman. The manner in which the hon. Gentleman (Mr. Horsman) has twice brought this subject before the House, and the deep attention the House has on both occasions paid to it, is, I think, a proof how strongly the feelings of the people of this country, and of this House as representing those feelings, are excited by those unhappy dissensions which unfortunately exist in the Church of England, and to which the right hon. Gentleman (Mr. Gladstone) has referred with painful truth, when he says the Church is now rent and torn by these unhappy dissensions. And I am sorry to say that we must in a great degree trace those unhappy dissensions to that portion of the clergy of the Church of England who have taken that line of conduct which Mr. Bennett has pursued: a line which in his case has led to virtual expulsion from one diocese, and which it is impossible to deny has led to most grave and serious questions whether clergymen conducting themselves as he has unhappily done, can be considered as being really and truly sincere ministers of the Church of England. Sir, I use the expression with the most extreme grief. I believe that in many respects—in many most essential respects—there never was a more exemplary parochial minister than Mr. Bennett. It would be injustice to deny that—I am quite willing to admit that it is so. But we must not look only to those parochial ministrations. The same thing may unquestionably be said of a very large portion of the priests of the Romish Church. They are men of the most exemplary lives. But I know no more dangerous error than to confound personal piety, personal virtue, or the exemplary discharge of ministrations, with the profession and maintenance of those vital principles and doctrines which form the great line of demarcation between the Protestant and the Roman Catholic Churches. No man can be ignorant of, no man can shut his eyes to, the unhappy dissensions that have arisen in our Church. It is not for me to say that a large portion of those gentlemen who, like Mr. Bennett, have been remarkable for what has been called by a high authority "their histrionic love of form," and for constantly taking a line as close as they possibly can to Romanism while keeping within the forms of the Church of England—I do not mean to say that they may not be exemplary men, and animated by most sincere and conscientious feelings; but I do say that we cannot shut our eyes to the unhappy effects that have resulted from that course of conduct. We see the line of distinction between the Protestant faith and the doctrines of the Romish Church drawn finer and finer by this conduct. We see numbers of our fellow Protestants first drawn away from their own simple Protestant faith into these extremes, and finally led away into the Church of Rome. Looking at these unquestionable facts—looking at the unhappy results which have taken place in our own Church—I cannot but regard it as a great misfortune that any patron of a living in the Church of England should have been led by feelings—conscientious, I have no doubt, but, in my humble judgment, most injudicious—to give a living so important as that of Frome to a person so situated as Mr. Bennett. This is my conscientious opinion, and I will not shrink from the avowal of it. To this extent I go with the hon. Gentleman (Mr. Horsman). I cannot blame him for bringing these remarkable facts before the House of Commons. But nevertheless I so far agree with my right hon. Friend the Member for the University of Oxford, that I seriously doubt how far the House of Commons is a proper arena for such discussions. But of this I feel sure, that it is only under remarkable circumstances, it is only at a moment when the public mind is strongly excited by such circumstances as these, that it can be justifiable to make the House of Commons an arena for such discussions. The importance of them cannot be overrated; the anxiety of the public mind cannot be overrated; nevertheless, it is a grave and serious question whether such topics can be with advantage discussed in Parliament, The hon. Member for Cockermouth thought it his duty to bring this matter before the House on a former occasion. He then adverted in terms of strong censure to the conduct of the Bishop of Bath and Wells in having instituted Mr. Bennett to the living of Frome under all the circumstances that had occurred. On the other branch of the subject, he adverted to the allegations which he made against Mr. Bennett's conduct at Kissingen; and upon a subsequent occasion he alluded to another remarkable fact, that Mr. Bennett's name had appeared as a convert to the Church of Rome in a book of recognised authority in that Church, *Battersby's Catholic Directory*. The hon. Gentleman has alluded to my having, on the occasion of the last debate, stated my strong opinion that a subject of this kind, once raised, must be dealt with, and that an inquiry of the nature proposed ought to take place. That opinion in substance I expressed; and from that opinion I have no opinion whatever to recede. The Government on that occasion undertook to institute an inquiry; and the hon. Gentleman has rather made it a matter of charge against the Government —at least I understood him to say—that we had not given the inquiry we promised, and had kept him waiting four weeks before we gave an answer on the subject of that inquiry. In fact, if he did not directly charge it against us, I inferred from what he said, both on this and on the former evening, that he thought the Government had not redeemed the pledge they had given. Now, as I was one of those who were willing to give that pledge, as far as it went, I must beg distinctly to express my opinion that we are not open to this imputation. I wish to say distinctly for the Government—every Member of it will support me in saying so—and I might also appeal to my hon. and learned Friend the Attorney General—whether we did not exhaust every means in our power in endeavouring to ascertain to what extent we could legally institute an inquiry. The first step we took was to draw up questions which, in our judgment, embraced the whole matter at issue. We submitted those questions to the law officers of the Crown. We received from them the most distinct opinion that, in the facts of the institution of Mr. Bennett by the Bishop of Bath and Wells there was no irregularity; that with regard to the transactions at Kissengen, as they had taken place in a foreign land, no legal inquiry—I believe I am right in saying, no inquiry, even by the Bishop—could take place; and that, in fact, as the matter stood, there was no way in which the Government could legally recommend or point out how an inquiry could take place. The questions which we put to the law officers embraced the whole subject; and the answers of the law officers were marked with that ability which might be expected. Still the Government could not rest content with those answers; and this is the reason why the time elapsed of which the hon. Gentleman has complained. A second time we submitted questions—questions of a more comprehensive character—to the law officers of the Crown; and upon the fullest inquiry—after the questions we first put had been reconsidered, after they had been made more wide and comprehensive than they were at first—we returned to the same conclusion—a conclusion announced by my right hon. Friend the Chancellor of the Exchequer to the House—that there was no legal mode by which the circumstances, as they stood, could be made the subject of direct and immediate inquiry; but that, if there were legal modes of instituting that inquiry (because we were not conversant, of course, with all the circumstances), that legal mode would be open to the parishioners under the Church Discipline Act. I believe I am right in stating the facts; and I wish to make it distinctly known to the hon. Gentleman and the House that there was no unwillingness on the part of the Government; that we addressed to the inquiry the most anxious attention; that the lapse of time was occasioned by our repeated references to the law officers; and that the result of our consideration was, that there was no legal mode in which the inquiry could be made. After this explanation I hope the hon. Gentleman will see that in a matter of this kind, involving points of law of the greatest delicacy, difficulty, and importance, we as a Government had no power to institute proceedings and inquiries; we could only proceed in a legal manner, and we found that there was no legal manner in which those inquiries could be made. Then I come to the transaction at Kissengen, and to the insertion of the name to which the right hon. Gentleman has referred. The latter is a question of fact. It is undoubtedly an extraordinary fact, a fact calculated to create great anxiety and suspicion—nevertheless it is a fact that, if you turn to the indicated page of *Battersby's Catholic Directory*, there you find the name of Mr. Bennett as a convert to the Romish Church; and then that that gentleman should be represented as attending at the Roman Catholic chapel at Kissengen, I confess it does appear to me that there are questions for the Bishop to inquire into, but it is not one into which the Government could institute an inquiry. It is a matter now of public notoriety. I may say the same thing as to the transaction at Kissengen. When the hon. Gentleman first brought this subject before the House, I expressed a strong opinion with regard to the conduct of Mr. Bennett. I retain that opinion now; and I listened with astonishment, I confess, this evening to the language held by my right hon. Friend the Member for the University of Oxford. When alluding to the transactions at Kissengen, the allegation is that a clergyman of the Church of England passes many weeks at a place where there is an English clergyman, where there is an English church, where there is an English congregation, and that he never goes near it. I say it is a subject to excite the greatest anxiety, and to inspire the deepest regret, that, whether he was conscientiously right or wrong, a clergyman so conducting himself should now be at the head of a most important parish in the Church of England. I cannot conceal my astonishment when I heard the right hon. Gentleman, vindicate—I was going to say, this conduct; and if he did not vindicate it, he said this—that a clergyman, acting as a chaplain, and his family, formed a congregation—

MR. GLADSTONE: No; I did not say that; not his family.

SIR JOHN PAKINGTON: I understood my right hon. Friend to say—a chaplain with the family—not his family—but the family to which he was attached, formed a congregation. If my right hon. Friend meant anything by that, I presume he meant that the Rev. Mr. Bennett was in propriety, as a minister of the Church, exempted from attending the Protestant worship of our own Church in the place where he was, because he was acting as the chaplain of a family. And what was the family? Why, the family was Sir John Harrington's—the churchwarden of the rev. gentleman at St. Paul's, Knightsbridge—a gentleman who distinguished himself, perhaps with more zeal than discretion, in the correspondence connected with Mr. Bennett's dismissal from that church. I must protest, as far as my opinion goes, against the propriety of any chaplain so situate being thereby exempted, *in foro conscientiæ*, from attending the ministrations of his own Church, which were to be had at the place where he then resided, on such a plea. These, I again say, are matters of public notoriety; they must be known to the Bishop of the diocese where Frome is situate; and I can hardly believe that they have gone up to this time without inquiry by that Bishop. It seems to me that they are matters into which any bishop in this country would be bound to call for inquiry. I have never heard anything of the Bishop of Bath and Wells inconsistent with his character as a prelate; and as a bishop holding a high office in our Church, I think it hardly possible that he has not already inquired into these remarkable allegations. If he has not done so, I cannot but believe that he will feel it his duty shortly to institute such an inquiry. Here, again, I think the hon. Gentleman will feel that we as a Government have no power to direct the proceedings of the Bishop, and to compel him to institute an inquiry. Then I am to consider what is the Motion of the hon. Gentleman. It is, "That a Select Committee be appointed to inquire into the circumstances connected with the institution of the Rev. Mr. Bennett to the vicarage of Frome." I have made no concealment of the opinions I entertain on this subject. As a sincere member of the Church of England, I have stated frankly to the House the opinion I entertain on these unhappy differences. I have stated what I believe to be the cause of the difficulties in which we are involved; and I have stated without reservation my opinion of the clergyman whose conduct is now in question. I come then to the question whether, after the inquiries we have made into the state of the law, and into the power of proceeding and instituting legal inquiries, whether or not I can, even with these strong views on my own part, consent to making the judicial conduct of a bishop of the Church of England the subject of an inquiry by a Committee of the House of Commons. Whatever the views of hon. Gentlemen may be as to the presentation of Mr. Bennett to this living, as to the conduct of the Bishop in instituting him, or as to the general merits of Mr. Bennett as a clergyman, I really cannot bring myself to believe that any large number of Gentlemen in this House will think that a Committee of the House of Commons is a proper tribunal to enter upon the trial of a bishop of the Church of England for his official conduct in the discharge of his ministerial duty. The law may be defective. The right hon. Gentleman (Mr. Gladstone), at the close of his speech, threw out some suggestions which may be well worthy our consideration. It may be a question whether parishioners situate as were the parishioners of Frome, ought to be left without a more ready and easy remedy than they had. That may be a great question. I am not sure whether the circumstances every day passing around us do not tend to make it more and more a serious question, whether the state of the law in this respect ought not to become a subject of inquiry. But whatever may be the risk—though under such circumstances I cannot believe there is any risk—having honestly and distinctly avowed my opinion on the subject—I must say that I never felt a deeper conviction, a stronger opinion, than that we should be taking a course unworthy of the House of Commons, and most dangerous as a precedent, were we to make the House of Commons a tribunal for bringing to trial a bishop in respect of the discharge of his ministerial duties.

Mr. GLADSTONE begged to say, in explanation, that he never meant to vindicate the conduct of Mr. Bennett at Kissengen; and he wished to add that the Bishop of Bath and Wells never became acquainted with the proceedings at Kissengen till long after the institution of Mr. Bennett. [*Cries of* "Oh, oh!"] He presumed, by the noise that was made, that some hon. Member took upon himself to doubt his assertion, and he trusted that, whoever he was, he would rise by and by and explain the reasons for his doubts.

Sir WILLIAM PAGE WOOD believed that the question now before the House was a grave constitutional question. It was because he felt most deeply the vast importance of the general subject, and the mode in which the feelings of the people of England had been justly excited upon it, that he was the more jealous of being led away into any departure from the strict constitutional mode of dealing with it. He said, the feelings of the people of England were justly excited—for what had occurred? Those who had sworn to be the pastors of our Church had been found to have availed themselves of their high position to corrupt the principles of the members of that Church. In one case, in particular, the clergyman had acted with such baseness as to have gone over to the Church of Rome on the very Sunday after he had performed the morning service in a Protestant church, taking with him the two children of the organist, who had been intrusted to his care. He had heard of other cases equal to this in baseness. The unfortunate man who had taken the lead, in this secession to the Church of Rome, commenced by writing a work by which he taught that a person might hold all the doctrines of the Church of Rome, and yet continue to hold preferment in the Church of England. That tract, which had led to so much of this miserable hypocrisy, he should be as ready to denounce as he should be to denounce the conduct of those who had pursued this course, or adopted any portion of the Articles or Liturgy in what they called a non-natural sense. Unfortunately, the adoption of the non-natural sense was not confined to one side. He was afraid, amongst the various divisions which had disturbed the Church, others might have taken a mode of expounding her doctrines or liturgy in a manner which they considered more wide and liberal than had hitherto been the case; and that, as on the one side the non-natural sense might lead to Rome, so the other, by a natural declension, might lead to another phase of the religious world. He respected those men who avowed their principles at once, and did not wait to mislead others when they had changed their own sentiments; and he could admire the Hon. Baptist Noel for leaving the Church, when he considered the opinions he held to be inconsistent with the natural sense of her Liturgy, much more than the conduct of those who, holding with him, had held preferment in the Church, whilst their doctrines were opposed to the Liturgy and Articles which they were sworn to maintain. He objected to all kinds of non-natural interpretation. Every clergyman was bound, when he gave his unfeigned assent and consent to everything in the Book of Common Prayer, to take every word in its natural, straightforward, and legitimate meaning, according to the mode in which it had been recognised in the Church of England from the time it was adopted in the Book of Common Prayer. But feeling that most deeply, and feeling that our safeguards were not adequate to the purposes for which they were required, he was confident they would not advance the cause of the reform of the ecclesiastical law by taking up these isolated cases, by making martyrs of individuals, by holding them up to so much public observation, and still less by making a party matter of Church discipline—a question which ought to involve the most deep, and serious, and grave considerations, with a view to a remedy which might satisfy the minds of all thinking members of the Reformed and Protestant branch of the Church. With regard to the Motion before the House, how did the matter stand? On the former occasion the House was asked to address Her Majesty, praying Her to issue a Commission to inquire into this subject. Every one was aware that an inquiry by the Crown must be by Commission, and every lawyer in the House knew that it was impossible to issue a Commission to ascertain whether a bishop had or had not transgressed the law—that such a Commission was precisely such a Commission as was condemned by the Bill of Rights. But now the question took another shape, and the House was asked to institute an inquiry. But surely the principle of the objection was the same. The principle was this—not to inquire into anything behind a man's back, or bring charges against him, except for the sole purpose of bringing him to trial, because otherwise a stigma might be left upon him without his having had the opportunity to controvert or meet the charge. An inquiry might be instituted before a Committee, with a view to impeachment;—but he did not understand that the hon. Member for Cockermouth intended to go to that extent. He did not dispute the power of the House of Commons, nor did he dispute that it was the grand inquest of the nation; but if so, it behoved the House to act with a judicial mind, with a strictly legal form of inquiry, and not to come to a hasty or ill-considered resolution. He was glad that the former resolution was not agreed to. He was glad also that the Government undertook to make the inquiry, the result of which had been that there was no possible mode of taking steps which could alter the position of Mr. Bennett as instituted at Frome. But the question before the House was this: had the Bishop of Bath and Wells, according to the facts stated by the hon. Member for Cockermouth, been guilty of such a breach of the law that it was absolutely necessary for the House to inquire into his conduct in instituting Mr. Bennett to the vicarage of Frome? He was bound to say, having listened most patiently to the statement of the hon. Member, that he had not made out the slightest infringement of the law on the part of the bishop even on his own data. He did not mean to go into the question as to whether the law should be altered; but he contended that as the law now stood there were no legal means of introducing such an inquiry as could lead to a satisfactory result upon the question of whether or not Mr. Bennett was a sound member of the Church of England. He thought the hon. Member for the University of Oxford had somewhat understated the case of the Bishop. The Bishop was in this position. The law watched most jealously over the rights of patrons. And why? Not merely because the Bishop was in a judicial position, but because he was entitled to present in the event of a lapse if the living should not be filled up within six months; and the civil tribunals, therefore, would not spare him on a *quare impedit.* The point on which the Bishop's case rested was this. Formerly Bishops had two months allowed to inquire into the fitness of the clerk—that was a large portion of the six months—but according to the canons as they now stood, the Bishop had only twenty-eight days allowed for inquiry, and after that time he might be proceeded against by the patron for the non-institution of the clerk. Now what were the facts in this case? The Bishop of Bath and Wells did not institute until the twenty-sixth or twenty-seventh day after the presentation—just within the time when he was bound to finish the inquiry. Then what became of the charge of indecent haste? If the Bishop waited until the last day but one in which, by law, he could delay the institution of the clerk, he would ask the House if there was any ground for the charge of wilful haste or wilful anxiety to stop inquiry, by refusing to enter into the question with the parishioners, and then preventing them from entering their *caveat?* So strict was the law with regard to what a bishop might or might not do in refusing to institute a clerk, that a case had been decided on this point, in which the Bishop of Peterborough was the defendant. The Bishop pleaded that he had asked for the letters of orders, that he had asked for the testimonials, and the clerk had them not; that he gave the clerk a week to bring them, and that he brought them not; and that on his not bringing them he instituted another clerk. By the canon law the Bishop was bound to have the letters of orders and the testimonials. The Court of Common Law said, "We know nothing of that; you might have put the clerk on oath whether he had the letters; but we do hold you were bound to institute;" and the Bishop had to pay the costs of the proceeding. This showed the extreme jealousy of the courts in these matters. The Bishop who refused a clerk was bound to have such a ground of refusal as he could prove to the satisfaction of a jury; and if he failed in making out that proof, he was mulcted in costs. And what must the defect be? It must be a defect in learning, in morals, or in doctrine. He would ask the House if any case had been brought before the Bishop of Bath and Wells in respect of Mr. Bennett which he could establish in a court of law as a defence to a *quare impedit;* and that was the question before the House. The Bishop had no materials before him. Had the hon. Member for Cockermouth furnished any materials which would have satisfied the requisition of the law, and proved the disqualification of the party? Let it be remembered also that the Bishop had not the choice whether he would go to a jury or not. Although it was possible a jury might be got to condemn some of the doctrines stated, yet the patron might proceed in the Ecclesiastical Court, and then the question was, what would the Ecclesiastical Court say with regard to these reasons? Further than that, the Judge, as a matter of law, would not allow the jury to wander away from the causes that would be sufficient to prevent institution, and those causes ought to be such as would justify deprivation. The Kissengen part of the case must be put out of the question; because the Bishop would not have been allowed to prove that in his defence, even if he had known of it; but the hon. Member for Cockermouth did not even aver that the Bishop was aware of it. The right hon. Gentleman the Member for the University of Oxford denied that the Bishop had any knowledge of the matter; and he (Sir W. Page Wood) confessed that he himself never heard of it until it was mentioned by the hon. Member. That point must, therefore, be entirely put out of consideration. The next point was, that Mr. Bennett had been obliged to give up his church in the diocese of London. But that would be no answer to a *quare impedit.* If the Bishop of London had deprived Mr. Bennett, that would have been a case to go before a jury. But the fact was otherwise; Mr. Bennett had resigned the living at the Bishop's request, and had not been deprived. The next point was, the quotation from Mr. Bennett's book. Standing alone it appeared to him to be a most objectionable passage; but he could easily understand that the context might have explained away a great deal of it. According to the suggestion of the right hon. Gentleman, the quotation stated, but in objectionable language, that Mr. Bennett did not like to circulate the Bible alone of itself; it, perhaps, might have suggested that he wished it to be circulated with the Prayer Book. But no one could urge that as a defence on a *quare impedit* for not instituting. Then came the question about the testimonials. The question first raised was, that the Bishop ought to have had the testimonials, and ought to have examined them. Now Mr. Bennett produced his testimonials, signed by three clerks, and countersigned by the Bishop of London. But it was said there was a note from the Bishop of London which ought to have put the Bishop of Bath and Wells on his guard. He granted this. But it seemed that the Bishop did inquire into the matter. Now, what difference could this letter have made to the Bishop of Bath and Wells if a *quare impedit* had been brought against him, or if any other proceeding had been taken? The Court would not have looked at the letter of the Bishop of London as a defence to an actio of *quare impedit,* or a *duplex querela.* He did not wish to say anything disrespectful of the Bishop of London, but he (Sir W. P. Wood) must say that he did not approve of the practice of writing private letters on these subjects. He believed that the object of the Bishop's signature was to testify that these three clergymen held office in his diocese; but he thought if the Bishop wished to make any observations he had better have placed them at the foot of the instrument. But even if that had been the case, the Court could not have looked at the note for the purpose of saying that the Bishop ought not to institute Mr. Bennett because the Bishop of London was not satisfied. The hon. Member for Cockermouth said the Bishop should have examined Mr. Bennett. The right hon. Gentleman (Mr. Gladstone) said the Bishop did examine him; and the right hon. Gentleman having made that assertion on his personal knowledge, the House was bound to consider there had been an examination. The Bishop could only take the examination offered. He could not call witnesses to contradict Mr. Bennett. All he could do was to put Mr. Bennett's book into his hand and say, "Do you admit you wrote that book? I find such and such statements in that book. I consider them suspicious. I wish to have a full explanation of your view on the subject." That course could be pursued to a great length, and had been pursued to a great length in one case;—and what was the result? Was there any temptation to any other Bishop to pursue the same course? Was it to be supposed that the Privy Council would take a less wide view of the one case than they had done of the other; and might they not have condemned the Bishop in the costs, which costs would probably have amounted to 3,000*l.*; for that, as they were aware, was the result of the proceedings in the Bishop of Exeter's case? If Mr. Bennett, when examined by the

Bishop, had answered that he was an attached and sincere member of the Church of England, and explained away the documents complained of in that sense, the Bishop would have had no alternative but to institute him. The hon. Member for Cockermouth had completely misunderstood the case tried before Lord Ellenborough from beginning to end, and had unwittingly given a reverse interpretation of the case. Povah's case was the case of the licensing of a preacher, in which the words of the Act were entirely different from the words of the canon; and Lord Ellenborough in his judgment proceeded on that distinction. The words of the Act of Uniformity as to licensing were, that he must be "approved by the bishop;" but there were no such words in the canon or in the law with reference to institution to a benefice. It was discretionary with the bishop whether he would license the preacher or not; and accordingly in that case the Bishop of London put in an affidavit, and said, "I examined the party, and on my conscience could not approve him;" and that was held a sufficient answer. But would that be any sufficient answer to a *quare impedit?* Lord Ellenborough said—

> "The distinction between that case and the case of a clerk is this, that in the institution of a clerk the bishop has only to follow the direction of the canon—he has no discretion whatever, but is bound by the law to institute or to make good by testimony any reason he gives for not instituting a clerk—and that is a totally different case from the present."

Lord Ellenborough did not say that the bishop was not to examine, but that when he had examined and got the answers, he could not stir a step, unless he had testimony to prove the clerk's schismatical or heretical opinions. The position of the bishop was extremely painful. It was laid down by Hobart, that if a bishop refused to present for light reasons, the law presumed he wished to present by lapse, and he said—

> "The best advice I can give a bishop is this—to stand perfectly quiet, and take no part either the one way or the other; but simply to institute the party who is presented to him, unless on examination he find cause to which he can make answer in a *quare impedit.*"

Now, what would have been the position of the Bishop of Bath and Wells if he had attended to the letter of the parishioners of Frome? He could not have said to them, "Enter a *caveat.*" It would not have been consistent with his judicial position, nor with his duties to the parties, to instigate litigation, or to tell them the course they were to adopt. He could do nothing but say that it was an informal document, and that he could not attend to it. If they had entered a *caveat* at first, the Bishop's course would have been clear. Was it reasonable to expect the Bishop to refuse to institute on no further information than was afforded by the parishioners? Up to this moment, no materials had been produced which would satisfy a Court that Mr. Bennett was unfit to be instituted. The Bishop's position was a painful one; but he maintained that he could not, consistently with his duty, have done anything else than what he did do. If, then, that was the state of things, he was glad to be delivered from the consideration of Mr. Bennett's case. He had formed his own opinion upon that case, and he admitted that it was a considerable grievance that in the case of a clergyman lying under such suspicion as Mr. Bennett did, from the things which were said to have occurred abroad, and from admitted circumstances, which had not been cited there—he admitted, he said, that it was a grave thing that, under the existing state of the law, there was no power on the part of a bishop to investigate such matters at a moderate cost; and he confessed he looked to a reform of the law of the Ecclesiastical Courts in that respect both in principle and practice; for the present House of Commons, having shown itself so anxious about the reform of the Court of Chancery, he felt certain that the next House of Commons would not allow the ecclesiastical courts to pass unscathed. The present debate might tend to promote that result, and, if so, it would be a useful result; and, perhaps, it was the only result it would have. He could not quite agree with the right hon. Baronet opposite (Sir J. Pakington), when he said that this was a proper time to introduce this discussion, because there was a strong feeling in the public mind respecting it. He (Sir W. P. Wood) sympathised with those who had strong feelings on this subject, and it was because he did so, that he said that they ought not to take one step in the matter beyond the limits of legitimate inquiry. He believed that in a case which rested upon such weak grounds, an inquiry such as was proposed could lead to no desirable results, further than that he thought they would find it to be contrary to the spirit of the Constitution to grant a Committee of Inquiry where no pledge was given that that inquiry should be carried forward to a proper issue. He begged to thank the House for the attention with which they had listened to him upon a subject in which he felt so deep an interest that he had felt constrained to offer some remarks upon it.

LIEUT.-COLONEL BOYLE said, that, having the honour to represent the borough of Frome, he was anxious to address a few words to the House upon this most painful question. He could have wished that the right hon. Gentleman the Member for Oxford University (Mr. Gladstone) had been a little more charitable to the persons who signed the protest against their rector, Mr. Bennett; for, if he mistook not, the right hon. Gentleman did not think it out of place to insinuate that they were actuated by unworthy and selfish motives. Now, he (Colonel Boyle) was acquainted with almost every one of the fifty persons who had signed that protest, and he believed that not one of them had been actuated by the motives which the right hon. Gentleman had attributed to them. He had heard it said that one of the protesters had applied for the living, and being disappointed in not getting it, had therefore protested against the appointment of Mr. Bennett. Now he knew not to whom the right hon. Gentleman alluded—he knew not whether it was true or false—it was not unlikely that there was a party in the town of Frome connected with a clergyman living in the neighbourhood, a most respectable party in that town, a family which had long exercised a great and deserved influence there, who might have applied to the noble patroness in favour of a very deserving clergyman—probably they did apply to the noble patroness, and were refused; but even if they did so, he would venture to say that it was not that circumstance which had induced them to sign the protest, and that they were not more actuated by unworthy motives in signing that protest, than the right hon. Gentleman (Mr. Gladstone) himself was actuated by unworthy motives in appearing in that House as the advocate of Mr. Bennett. With regard to the popularity of Mr. Bennett's doctrines in the town of Frome, he (Colonel Boyle) had received a letter from a gentleman residing there, which stated that he did not believe there was any change in the feeling amongst the inhabitants relating to the appointment of Mr. Bennett, unless it was a more decided resolve on the part of the intelligent, and those representing the property of the town, to discountenance both Mr. Bennett and his doctrines; that there was, in fact, but one feeling of disappointment and regret expressed throughout the circle of the writer's acquaintance, with the exception of one of the churchwardens; that the vicar's churchwarden had resigned, and left the church; that it was only by the greatest efforts that a successor had been found; that many persons had been solicited, who refused, and at length they had been driven to appoint the clerk of the board of guardians to the office; that the churchwarden to whom Mr. Gladstone alluded was the chairman of the board of guardians; and it might, therefore, be easily understood how it was that the clerk to the board was induced to become the vicar's churchwarden. He (Colonel Boyle) had other evidence bearing upon the same point; but he felt that, after all, the question of popularity was not the sole question; and that, even if the rev. gentleman were popular, but all the while unsound in his doctrines, the mischief which was likely to accrue from the appointment of Mr. Bennett would be all the greater and more extensive. One word as to the right rev. Prelate the Bishop of Bath and Wells. Knowing what had been the state of his health for some time past, he (Colonel Boyle) wished to speak with forbearance and charity concerning him; but in justice to his constituents, he must state that they had no confidence in an appeal to this right rev. Prelate. The parishioners of Frome remembered that when Dr. Bagot was Bishop of Oxford, Ward and Newman found shelter and encouragement; they remembered also, that within the last few years a rev. gentleman who had either been refused a license in the diocese of Ripon, or, having held preferment there, was forced to leave, in consequence of what occurred at St. Saviour's in Leeds, found refuge in the diocese of Bath and Wells; was licensed to a curacy at Wells in the neighbourhood of Frome; remained there nearly two years, and then rewarded the confidence reposed in him by the right rev. Prelate, by going over to Rome. What confidence could his constituents, the parishioners of Frome, have in an appeal to such a tribunal as this? and then as to the expense, was it not well known that in the Gorham case, it cost the winning party thousands? He could not resume his seat without expressing to his hon. Friend the Member for Cockermouth the thanks of the inhabitants of Frome, for the able, temperate, and moderate manner in which he had introduced this question to the House. He hoped that in the course of the next Session something might be done to alter the Church Discipline Act; and he also hoped Mr. Bennett would feel it incumbent upon him to restore peace to the town by resigning the living.

MR. YORKE wished to justify himself with regard to the proceedings which had taken place respecting the petition presented from Frome. The address in reply had been drawn up by Mr. Cruttwell from first to last—one of Mr. Bennett's uncompromising foes. That gentleman stated—

> "That the churchwardens and other persons canvassed for and obtained signatures to the address at tables placed for the purpose within the church itself when it was open for divine service; that it was signed by many persons who did not belong to the congregation, nor even to the parish, nor even to the diocese; that it was signed by little boys and little girls, and by persons who did not know what they were signing; that it purported to be signed by persons whose names were affixed without their knowledge; and, lastly, that it was taken to public-houses, where signatures were obtained thereto. The mode in which the address was got up would have disgraced the proceedings at a contested election. It carries no weight with it here, where these things are known, but it may be otherwise at a distance. I pledge myself to prove all this, and more, if the signatures be produced."

Now, he had counted the number of signatures, and had looked at them all particularly, and he would undertake to say that they were not the signatures of boys and girls, but of persons accustomed to write their names in ordinary running-hand. But Mr. Miller, the churchwarden, gave a rejoinder to Mr. Cruttwell, and stated that—

> "The whole proceedings were honest and open as the day; and that all the signatures were obtained by the churchwardens and five of the congregation, who were prepared to substantiate all he (Mr. Miller) stated. He declined submitting them to Mr. Bennett's opponents, not from the slightest fear of the result, but to shield the persons who had signed from the persecution that would certainly follow."

Mr. Cruttwell had since published a statement, in which he said—

> "He was glad to have the opportunity of disclaiming any participation in Mr. Horsman's proceedings in the House of Commons, which to his (Mr. Cruttwell's) certain knowledge, were not instigated by any party in the town."

[Mr. HORSMAN: Hear, hear!] Why, was not the House led to believe the parishioners of Frome all agreed with the hon. Member, and that he had taken up their cause? Mr. Cruttwell concluded with the expression of a hope that this controversy would be ended, and that they would show themselves as friends, though they could not agree in Mr. Bennett's doctrines or ministration; and Mr. Miller, at the close of his letter, offered up the same prayer. That appeared to be the wish of the parishioners of Frome. He could assure the right hon. Baronet the Colonial Secretary, if it was any satisfaction to him, that whatever the reasons of Mr. Bennett's going to the Roman church at Kissengen—if go he did—Mr. Bennett was as good a churchman as he (Sir J. Pakington) was; or as the Bishop of London was, when he made his celebrated charge in 1842; or as the hon. Member for Cockermouth himself.

SIR BENJAMIN HALL expressed his surprise that the hon. Gentleman who had just sat down had not come forward on an earlier occasion to defend the conduct and proceedings of Mr. Bennett; for he (Sir B. Hall) understood that the hon. Gentleman had been Mr. Bennett's churchwarden. The document to which the hon. Member referred had been signed at Frome by 1,000 or 1,100 persons sitting in public-houses, smoking and drinking, who considered themselves such admirable judges of points of doctrine, that they expressed their conviction of the soundness of Mr. Bennett's principles. That was the way in which the document had been got up. [Mr. YORKE: I deny it.] The fact was asserted by Mr. Cruttwell, and denied by Mr. Miller. The former gentleman had written a letter, dated the 4th of June—[Mr. YORKE: Mine from Mr. Miller is dated the 7th of June]—in which he proposed that an inquiry should be instituted into the manner in which the signatures to the address had been obtained. His suggestion was that two gentlemen should be nominated, one by Mr. Miller and the other by himself—that the original signatures should be produced before them, and he pledged himself then to substantiate the truth of what he had stated. The hon. Member stated that his letter was dated June 7th; that was true enough, but the contents of that letter had nothing whatever to do with the manner in which the address was concocted. He (Sir B. Hall) had corroborative proof (if proof were wanting) in another letter, from which he would read an extract:—

> "I cannot conclude without a remark on the absurd address lately got up in favour of Mr. Bennett. Mr. Cruttwell lately sent an explanation respecting it to the *Times*. But this does

not adequately describe the absurdity. The signatures greatly outnumber the congregation of the church at any time, which holds, I believe, 800. The streets were canvassed, and persons and children of all grades of ignorance and poverty were pressed to sign, and have their names written for them—the tap-rooms of public-houses were visited at night for the same purpose. The market day was also used to serve the end, and persons casually coming on business from twenty and even thirty miles distance also signed; and yet such a wretched affair is permitted by Mr. Bennett to be used in public."

The hon. Gentleman had laid great stress on the point that his hon. Friend (Mr. Horsman) had not been requested to take up this case by the inhabitants of Frome. That might or might not be; but it was at all events of no importance as regards the merits of the case; and most assuredly every true friend of the Protestant Church must feel indebted to his hon. Friend for bringing forward this matter. But he (Sir B. Hall) would not take up the time of the House with matters like these. The real question at issue was this—what were they to do under these lamentable circumstances; and the House must consider that Mr. Bennett and the Bishop of Bath and Wells were not the only delinquents. There were many others. Let them take a single case. An instance had been brought forward of a clergyman in this metropolis performing divine service in one of our churches, who had been seen attending Roman Catholic worship regularly Sunday after Sunday. The case had been submitted to the Bishop by a layman of the Church, who had witnessed this conduct. No notice of the communication was taken for thirteen days. At last the Bishop expressed himself satisfied with the submission of the clergyman. This clergyman was seen to go into a Roman Catholic chapel, where he crossed himself, and performed the usual genuflections, and where he subsequently remained during the whole of divine service, not on one Sunday only, but on consecutive Sundays. Yet that man was now performing the service in the church of St. Andrew's, Wells-street. The right hon. Gentleman the Member for the University of Oxford had asked, why did not the parishioners of Frome go into the Episcopal Court at Wells? What would be the use of going into that Court when the Bishop had only just appointed his own son to preside over it? If he were to quote the words of the Bishop of London in the letter depriving Mr. Bennett of the living of St. Barnabas, it would show that he had been the cause of persons leaving the Protestant Church; and he (Sir B. Hall) believed that Mr. Bennett had sent more converts to the Church of Rome than any other clergyman of the present day. But did not the hon. Gentleman the former churchwarden of Mr. Bennett know that there was a conventual establishment in connexion with the church of St. Barnabas, and that a daughter of a right hon. and learned Gentleman—with whom many hon. Members had the pleasure of being acquainted—was placed at the head of this establishment? Did he not also know that the father of that lady begged and prayed and entreated Mr. Bennett to use all the influence which he possessed, and to exercise any power which he possessed over the mind of that unfortunate young lady, in order to induce her to reverse her steps, and not continue a course which caused so much misery to her family? Did he not know that the rev. gentleman, now the pastor of Frome, refused to listen to the prayer of the parent, and that the daughter, and all associated with her, had now gone over to the Church of Rome? and yet, notwithstanding all this, Mr. Bennett found advocates in that House. But passing from this painful subject, let them look at the position in which the House now stood. The Motion of the hon. Member, though open to grave and serious objections, was, he believed, the best which, under the circumstances of the case, could have been brought forward. In what other way were they to act? They found a person placed as vicar of a parish who by his conduct and example from the time of his entry into St. Paul's to his ejectment from St. Barnabas, had induced large numbers of persons to go over to the Church of Rome; who, while travelling with Sir J. Harrington, had never attended a Protestant Church; and who, according to the right hon. Member for the University of Oxford, was perfectly justified in doing so because he had a congregation of his own.

Mr. GLADSTONE explained that he had never said that, and had already contradicted a similar statement.

Sir BENJAMIN HALL had not understood the right hon. Gentleman to have done so, or he would not have made the statement; but the right hon. Gentleman certainly did say that Mr. Bennett was travelling as a chaplain to a private family; and that, in the eye of the law, a chaplain and a family constitute a congregation—but in this instance Mr. Bennett was not a chaplain, and the supposed congregation consisted of two persons, one of whom was Mr. Bennett's former churchwarden. But admitting it to be a fact, or supposing for the sake of argument that Mr. Bennett did not attend the Protestant Church, was there any justification for his going to the Roman Catholic service, as he had done over and over again? The right hon. Member held an important and responsible position as Member for the University of Oxford, and he would ask him who were the persons who ought to be most anxious to reform the ecclesiastical law? Was it not the Bishops of the Church of England? They were Peers of Parliament, and he was told that it was necessary they should be so in order that they might watch over ecclesiastical affairs. It was clearly the duty of the prelates to inquire into the state of the law; and he hoped that no long time would be suffered to elapse before some step was taken in that direction. The proposed inquiry by Committee was the best course which could be taken under the present circumstances, and he hoped the House would accede to the Motion. When the Committee was appointed, it could summon the highest dignitaries of the Church before it to afford information on the subject, and if they refused to come forward let the reponsibility fall upon themselves.

MR. YORKE wished to explain. He had ceased to be churchwarden of St. Barnabas in 1848, and was not aware of the circumstances of the case of the daughter of the late Recorder; but his impression was that the young lady herself had always been restrained by Mr. Bennett from going her own way to the Church of Rome. [*Laughter, and* "Oh, oh!"] It was all very well for the hon. Baronet to laugh, and cry "Oh, oh!" in that popular manner. What he had heard was that she had a strong inclination to go to Rome, but that she had been restrained by Mr. Bennett, and that as soon as he left St. Barnabas she went over to Rome with her uncle.

MR. NEWDEGATE said, he begged to return his thanks to the hon. Member for Cockermouth for the very able statement he had made in bringing this case before the House. The hon. Member's principal allegations against Mr. Bennett remained unrefuted; they were in fact further corroborated by what had passed. It had, however, been stated, on high authority, that the Bishop of Bath and Wells had no power legally to do otherwise than as he had done, and he should regret anything being done which might be held to manifest a disposition on the part of the House to attack a venerable Prelate for not having done that which the law would not permit him to do. The result of the present Motion was this—that the law as it existed stood condemned. After the statement of the right hon. Gentleman the Secretary for the Colonies, and the admissions made by the right hon. Gentleman the Member for the University of Oxford, whose bent was certainly towards attempting an exculpation of all the parties implicated in this transaction, including Mr. Bennett, and the speech of the right hon. and learned Gentleman the Member for the city of Oxford, who was admitted to be a high legal authority, he hoped that they would receive an assurance from the Government that whatever might be the result of this Motion, the law would not be permitted to remain in its present embarrassing state of inefficiency. The facts were admitted. What need, then, was there of any further inquiry into them? Under these circumstances, it was a question for the hon. Member for Cockermouth whether he would divide the House upon his Motion. Such a course might look like a desire to persecute the Bishop of Bath and Wells, but could add no confirmation to the facts of the case, because they were already admitted. He hoped that they should, before the question was dropped or decided, receive an assurance from the Government that such an alteration should be made in the law as would have the effect of preventing men from acting as clergymen in the Church of England who were guilty for so doing while holding unsound doctrines.

The CHANCELLOR OF THE EXCHEQUER: I did not rise after the statement made by the hon. Member for Cockermouth (Mr. Horsman), because it was understood to be the wish of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) to make a statement on behalf of the Bishop of Bath and Wells; and I felt it was better, both for the convenience of the House and of the Government, that we should be favoured with that statement on the part of the right hon. Gentleman. This discussion has, I think, very much cleared the case since the period when it was first brought under the notice of the House. To-night I think we have very completely investigated the position of the Bishop of Bath and Wells with respect to these circumstances, and I believe I do not misinterpret the general feeling of the House if I designate it as one which it would be extremely reluctant, by any vote it could arrive at, to throw any censure upon the conduct of that Prelate. [" Hear! "] It may be, certainly, very easy for Gentlemen to sneer at that statement; but I think, after the calm and ample discussion, so ably conducted as it has been this evening, we must arrive at this conclusion, that however many of us may regret the institution of the individual who has become vicar of Frome, it is impossible for us to decide by a vote of this House that it was the duty of the Bishop of the diocese to prevent that institution. Nay, more, I think we have most of us arrived at this conclusion, that had the Bishop of the diocese thrown any difficulties in the way of Mr. Bennett's institution, he might, and probably would, have incurred very perilous consequences. In such a state of the law I think it is quite impossible for the House of Commons to come to a vote or arrive at a judgment which should, in fact, cast upon a bishop of the Church the condemnation of this assembly, because he has done that which all must admit to have been strictly his legal duty, and which, if he had not fulfilled, would probably have entailed upon himself most serious consequences. I consider the question of the conduct of the Bishop of Bath and Wells to be one perfectly distinct from the circumstances which occurred in another diocese in relation to Mr. Bennett; but, at the same time, at this moment I cannot but remember that it is only on the conduct of the Bishop of Bath and Wells that we are called upon to make an inquiry. When this question was first brought under the notice of the House, in a manner which (though I am quite sure it was altogether unintentional on the part of the hon. Member for Cockermouth) was very unexpected to the Government, I took the liberty of stating then, with regard to the ability which parishioners should have of challenging the institution of one who is to become their vicar—I then stated that if the law did not offer a remedy, I thought it was our duty to supply a remedy; and, Sir, generally speaking, that is the opinion which now influences me, and that is the principle which I think ought to guide us in the present (I must describe them so) painful circumstances. I cannot agree with the hon. Gentleman the Member for the city of Oxford (Sir W. P. Wood) in the statement which he has made to-night, that all lawyers anticipated, and all the gentlemen of the long robe were prepared to find, that there was no remedy for the parishioners. I must still repeat, acting on the opinions given me as to the state of the law, that there is a remedy for parishioners under the circumstances in which the parish of Frome is placed, and that that is a remedy for which they need not go to the Ecclesiastical Court, nor have recourse to ecclesiastical law. But, Sir, I will not enter into that question again, which we have before argued, because I am perfectly willing to admit that there is not in my mind sufficient facility, or sufficient opportunity, for parishioners placed in the position of the parishioners of Frome to obtain that relief and redress which they have a right to expect and demand. As far, however, as the present Motion is concerned, it is merely the institution of Mr. Bennett to the vicarage of Frome which is at issue, and it is therefore the act of the diocesan which is before us, and which we are called upon to inquire into. I must repeat my opinion that the conduct of the Bishop of Bath and Wells cannot be fairly called into question on this occasion. But, if we were to appoint a Committee, let the House for a moment consider what would be the duties of that Committee. They would not be appointed, I apprehend, to rake up evidence or to institute proceedings against the Bishop. That is out of the question. Well, then, what would they be appointed for? Is it to be a Committee to consider the state of the law on the subject? Then, in my opinion, this is hardly the moment in which we should appoint a Committee to consider the whole state of the laws connected with the institution to benefices—a subject of the utmost difficulty and importance, and which I do not think the House of Commons would be the best instrument to carry on with effect and with satisfaction. I have been asked by my hon. Friend the Member for North Warwickshire (Mr. Newdegate) to give something like a pledge from the Government that they would take into consideration that important subject, the state of the law with respect to the institution to benefices. I am sure my hon. Friend will not press me for a pledge on this subject, which is one of too great importance, and one of too great and difficult a character, for me to give a pledge upon now. But that it is a subject which must engage, sooner or later, the consideration of any

Government that exists; that the state of our ecclesiastical courts is one which cannot much longer be tolerated; that with respect to our ecclesiastical courts we should follow the same course of, I trust, temperate and efficient reform which we have applied to all other kinds of judicature in the country—these, I think, are opinions which few of us do not share, and certainly they are sentiments upon which Her Majesty's Government are prepared to act. I trust the hon. Gentleman the Member for Cockermouth will not ask the House to come to a decision upon this Motion. If, indeed, he persists in so doing, although I myself most sincerely regret much that has occurred at the vicarage of Frome, although I would not at this moment go out of my way to offer criticisms on the conduct of other individuals concerned in these transactions, because it is unnecessary to do so now, especially when the conduct of one individual alone is called into question (though I do not believe the conduct of that individual can be successfully impugned)—if he asks me to support this resolution to appoint a Committee to investigate the conduct of the Bishop of Bath and Wells with respect to his accomplishment of an act which I do not think he could have refused to perform, I shall be compelled to offer to this Motion my decided opposition.

MR. ELLICE saw all the difficulties and objections to the course which was proposed, but he perceived no other remedy for the evil complained of except an inquiry by a Committee, which was not, as the right hon. Gentleman had stated, an inquiry directed against the personal conduct of the Bishop—which was not so much either into the personal conduct and character of Mr. Bennett, but which was intended to be an inquiry into all the facts of the case, in order to ground upon them further proceedings with respect to the state of the law, which gave no relief to parishioners suffering from these grievances. Upon these grounds he should vote in favour of the Motion of his hon. Friend (Mr. Horsman).

MR. MOODY said, he did not conceive the law was open to the parishioners of Frome. It was not possible that a Commission could issue from the Bishop of Bath and Wells, or from the Bishop of London, against Mr. Bennett—not from the Bishop of Bath and Wells, because it was clear that before Mr. Bennett's induction, and perhaps not since, he had committed no offence in that diocese; and it would be impossible to issue a Commission founded on what had taken place in the diocese of London before his resignation, for that would be trying him twice over; because, if he had not resigned his preferment, it would have been competent for the Bishop then to have issued a Commission under which Mr. Bennett might have been suspended or deprived, and he had taken the shorter course at once of resigning. And he contended, moreover, that it was not competent for the parishioners of Frome to go back into the practices which had taken place in reference to Mr. Bennett in the diocese of London. The question, however, now concerned the Church at large; and it was this—whether a clergyman, after resigning his living upon one charge, might go abroad and commit any delinquencies, and then come home and be inducted into a living in another diocese, without there being any means of inquiry into his conduct on the Continent. There could be no difficulty in devising a remedy for this, and giving the power of inquiry into delinquent cies committed abroad; and as the objec- of this inquiry was to afford the means of doing so, he should, if the Motion went to a division, certainly vote for it.

The SOLICITOR GENERAL said, it behoved the House to consider what was the real nature of this Motion, and how it affected the law which unquestionably existed. Let him remind the House that there was nothing in this Motion which at all involved the conduct of Mr. Bennett—the Motion applied in terms to the circumstances attending the institution of that gentleman to the vicarage of Frome. It was directed against the conduct of the Bishop of Bath and Wells; but after the luminous and able statement of the right hon. Gentleman (Mr. Gladstone), and the discussion which this question had undergone, he should not say one word in reference to that right rev. Prelate, except to state that that right rev. Prelate had done an act as to which he had no choice, in which he was bound to do according to the law of the country, and that if he had not so acted he might have exposed himself to serious consequences. It had been stated by the Chancellor of the Exchequer, that a remedy existed by the law of this country for the grievances of which complaint had been made by the hon. Member for Cockermouth; and he (the Solicitor General) repeated without any fear of contradiction from any learned Gentleman in that House, or from any hon. Member acquainted with the law, that if it was true that Mr. Bennett, either by the way in which he discharged his duty as vicar of Frome, in preaching or teaching, or in the general parochial offices which devolved upon him, had been guilty of unsound doctrine or unsound teaching of the doctrines of the Church of England, it was competent for any parishioner to put the law in motion, and under the Church Discipline Act to proceed to punishment by the sentence of deprivation of Mr. Bennett. But the law did not stop there. It was competent to any parishioner of the parish of Frome, aggrieved by any unsound doctrine or teaching on the part of Mr. Bennett, to proceed against him in that way, provided only that the acts complained of had been committed in this country within the space of two years from the time of the prosecution. Looking to the state of the ecclesiastical courts in this country, he was free to admit that as to the practice of those courts, and the incalculable expense attending the most simple proceedings there, a remedy was loudly called for; and he ventured to join in the hope entertained by the Chancellor of the Exchequer, that those who had directed their energies to a reform of the courts of common law and equity would extend the benefit of their exertions to the ecclesiastical courts of this country.

Mr. DEEDES was disappointed at the answer of the Chancellor of the Exchequer, as to future legislation in respect to the ecclesiastical law, and the speech of the Solicitor General as to the state of the law, which had not encouraged any hope of something being done to place it in a more satisfactory condition. It was shown that the law was inaccessible to individuals, and that, therefore, something was necessary to be done. He regretted the state of things which had been disclosed as to the position of the Church. He was anxious to put an end to it, and at the same time was anxious not to impute blame to any party unjustly. But as there was no hope of any alteration of the law, he must, in order to promote this, object to vote for the Motion.

Mr. SIDNEY HERBERT: Sir, I am one of those who think it necessary to provide a remedy for the evils of the present state of the Church. I cannot express the pain that I feel at the recurrence of these debates in this House; and every fresh instance of such matters being discussed only strengthens my conviction of the crying necessity that the evils of the Church should be inquired into, and that her members should have the means of redressing those evils without coming to the House of Commons, which of all bodies by its constitution is the most unfit to sit as what would virtually amount to a court of heresy. I understood the right hon. Gentleman the Chancellor of the Exchequer not to give a distinct pledge that he would bring in a measure at a stated time, but that the Government would direct their early and anxious attention to the subject, with a view to the reform of the ecclesiastical courts. I would remind the House of what has happened heretofore with attempts at the reformation of our ecclesiastical courts. I am not certain how many Bills have been brought in with that object, and failed; but the Government of Sir Robert Peel introduced three separate measures of that kind, and they were received on their announcement with universal satisfaction; but when it came to the details, such was the strength of local interests, and of the local connexions of persons whose interests were involved in the continuance of the present system, that you found it utterly impossible to pass any measure that was really calculated to afford a remedy for existing evils. I say, therefore, when you ask the Government, and I am one of those who do ask the Government, to give their consideration to this subject, with the view of introducing a measure, that I likewise ask hon. Gentlemen, Members of the House of Commons, to make up their minds also to resist those external influences which prevent them from giving an honest verdict on a subject like this, and to render assistance to the Government to carry out in spite of those influences measures which I believe are essential to the safety of the Church and the purity of our institutions.

Mr. GLADSTONE said, he did not understand the Chancellor of the Exchequer in the same sense as that attributed to him by the hon. Member who had just sat down; but the more he (Mr. Gladstone) saw those subjects discussed, the more his convictions were strengthened that there was a crying and immediate necessity that the question should be placed on such a footing that the members of the Church of England should have the means of redressing grievances of this kind without coming to the House of Commons, which was, by its very constitution, a most unfitting place for the consideration of such subjects.

Mr. WALPOLE begged to be permitted to say one word after what had fallen from the hon. Member for East Kent (Mr. Deedes), who had entirely misapprehended the purport and object of his right hon. Friend the Chancellor of the Exchequer's answer to the appeal of the hon. Member for Cockermouth. He (Mr. Walpole) had looked most carefully into the words of the notice, to see whether the Government could accede to the inquiry asked for; and that inquiry he undertook to say would have been acceded to by the Chancellor of the Exchequer, if it had been instituted, as was suggested by the hon. Member for Coventry (Mr. Ellice), to discover what improvements could be made in the law to remedy the difficulty which it presented. But when they listened to the speech of the hon. Member for Cockermouth, and saw that he distinctly placed the issue upon the conduct of the Bishop of Bath and Wells, the result of such an inquiry must either be a direct censure by Parliament of that conduct, or an impeachment to be instituted by a Member of that House against that right rev. Prelate; and seeing, as he did from all the arguments that had been addressed to the House, that it was totally impossible that the Bishop could have refused institution under the circumstances that had been stated to the House, without incurring the risk of a double action by *Quare impedit* in the Court of Queen's Bench, and by *duplex quœrela* in the ecclesiastical courts, a Motion likely to be attended with such results was not one, he thought, that ought to receive the sanction of the House of Commons. The question, therefore, was not, whether they would at a future period alter the law, which, he thought, involved a crying and grievous evil, but whether they should inquire into circumstances that could lead to no result but the one that he had pointed out, and which inquiry he undertook to say ought not to be granted, inasmuch as the Bishop had no opportunity of seeing what the law was, or of acting in a different way than he had done. For that reason he hoped the hon. Member would not press his Motion to a division, or, if he did, that the House of Commons would at any rate refuse to accede to a Motion involving consequences which he must consider unreasonable and unjust.

Mr. DEEDES explained: He certainly had not understood the Chancellor of the Exchequer to speak in as distinct terms about the necessity of altering the law as his right hon. Colleague seemed to have done. But it was owing to the want of that distinct understanding which ought to be given that he had made the observation he did, and to that observation he must adhere.

Mr. GOULBURN would not detain the House with any lengthened remarks; but he felt, in common with many hon. Members who had spoken in that debate, very considerable difficulty as to the course which it would be best for the House to pursue. From the manner in which the Motion had been introduced, it was clear that it was intended as an inquiry into the conduct of the Bishop of Bath and Wells, and in the course of the debate he thought it had been satisfactorily established upon the best legal authority that, so far as the Bishop was concerned, there were no legal grounds for impeaching his conduct. He felt, at the same time, most strongly, that the state of the law as to the institution to benefices was extremely defective, and that it certainly ought to be amended in order to provide a remedy against the recurrence of abuses that would lead to discussions in that House calculated to inflame the public mind, and to occasion dangerous consequences to the Church of England. Feeling, therefore, that what was wanted was not an inquiry into a particular case, but into the state of the law, he would propose as an Amendment to the Motion of the hon. Gentleman, that the inquiry, instead of being made into the circumstances of the institution of Mr. Bennett to the vicarage of Frome, should be made into the state of the law affecting the institution to benefices in the Church of England.

Amendment proposed, to leave out from the first word "the" to the end of the Question, in order to add the words "state of the Law affecting the institution to Benefices" instead thereof.

Mr. HORSMAN said, it appeared to him that he could answer the Amendment of the right hon. Gentleman in three words. It was as if certain parties are brought to the bar, accused of murder, and a friend of theirs comes forward to propose an inquiry into the state of the law on capital punishment. That was the ingenious device by which the experienced Member for the University of Cambridge attempted to lead the House away from an inquiry in which they were very much interested, and into which it appeared that they thought it their duty to proceed. He felt it would be making all their proceedings that evening perfectly ludicrous, if they were to adopt so weak and so ridiculous an Amendment. It appeared to him to be a question, to some extent perhaps of law, but still more of common sense. He had already stated that he did not by choice propose a Parliamentary Committee upon the subject; but there was a maxim of law to the effect that there was no grievance without a remedy. Now, it was admitted that there was a serious grievance, and how was the remedy to be provided? Notwithstanding all that had been said by right hon. and hon. Gentlemen on both sides of the House, no suggestion had been made which he could accept as a means of remedy for the evil. Gentlemen learned in the law, experienced Members, Cabinet Ministers filling high and responsible positions, and the right hon. Gentleman the Member for the University of Oxford even, had addressed the House with great energy and ability, without, however, suggesting any remedy whatever. But, was this grievance to go unredressed? Were these facts to go uncorrected? Was the House of Commons, almost unanimously, to admit the existence of a serious grievance, and yet were they to sit still and do nothing? He need not tell the House he had no personal feeling or interest which had induced him to bring this subject before them. He was not acquainted with a single person in the parish of Frome when he brought it forward, nor had he had any communication with any one at Frome. He had always excused himself from bringing before the House mere local grievances. He had brought this forward as a general question, for he believed that Frome was but the type of what might take place in any other diocese in the kingdom. With all deference to the hon. and learned Gentlemen who had spoken upon the law of this subject, he must say that they had somewhat mystified the matter. About the facts there was no doubt. Upon that point he must offer his acknowledgments to the right hon. Gentleman the Member for the University of Oxford. That right hon. Gentleman was a practised debater, a zealous theologian, a subtle reasoner, and he had shown himself that night to be by no means a contemptible casuist. The right hon. Gentleman had addressed the House as if he held a brief upon the question, and most ably did he play the advocate for the accused. But the right hon. Gentleman seemed to lose his temper. His hon. and learned Friend the Member for the city of Oxford had said that there was no case whatever against the Bishop, that he had conducted himself strictly according to law, and that no complaint could be made against him. Now, there were two points on which he (Mr. Horsman) made a complaint against the Bishop. It was said that a *caveat* was never lodged against the institution of Mr. Bennett. But what were the facts of the case? The day after the parishioners received notice of presentation, they forwarded an address to the Bishop; but having waited for an answer for a week, they addressed him a second time, and then there was another week's delay. The very day they got an answer from the Bishop, they set about lodging a *caveat;* but the delays which had occurred in the Bishop's answer prevented them from lodging it in time. Now, there was another point of law on which he wished to say a few words. He did not agree with the construction of the law which had been given by the hon. and learned Gentlemen who had addressed the House. They stated that the Bishop of Bath and Wells, if he had refused institution, would have been subject to a *quare impedit;* but, with all deference, he begged to dispute that assertion. Mr. Bennett was not legally qualified to be instituted until he produced from the Bishop of London his last diocesan letters of *bene decessit.* He would conclude by stating that he felt it his duty to press his Motion to a division, and he believed that the House would be disposed to give it their affirmation.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 156; Noes 111: Majority 45.

List of the AYES.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Armstrong, R. B.
Bagge, W.
Baines, rt. hon. M. T.
Baird, J.
Baldock, E. H.
Barrow, W. H.
Bass, M. T.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Blackstone, W. S.
Booker, T. W.
Boyle, hon. Col.
Bremridge, R.
Bridges, Sir B. W.
Bright, J.
Broadwood, H.
Brockman, E. D.
Brotherton, J.
Brown, H.
Buller, Sir J. Y.

Butler, P. S.
Butt, I.
Buxton, Sir E. N.
Carter, S.
Cavendish, hon. C. C.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Collins, W.
Colvile, C. R.
Copeland, Ald.
Corry, rt. hon H. L.
Cowan, C.
Crowder, R. B.
Dalrymple, J.
Dawes, E.
Dawson, hon. T. V.
D'Eyncourt, rt.hon.C.T.
Dod, J. W.
Duff, J.
Duncan, G.
Dundas, rt. hon. Sir D.
Edwards, H.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Ewart, W.
Farnham, E. B.
Forbes, W.
Forster, M.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Geach, C.
Glyn, G. C.
Goddard, A. L.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hildyard, T. B. T.
Hindley, C.
Hodgson, W. N.
Howard, hon. C. W. G.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Langston, J. H.
Laslett, W.
Lennard, T. B.
Locke, J.
Long, W.
Loveden, P.
M'Gregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Marshall, W.
Martin, J.
Matheson, Col.
Melgund, Visct.
Milligan, R.
Mitchell, T. A.
Moffatt, G.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Muntz, G. F.
Noel, hon. G. J.
Paget, Lord G.
Parker, J.
Pechell, Sir G. B.
Pigott, F
Pilkington, J.
Pinney, W.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Rushout, Capt.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Smith, J. A.
Smyth, J. G.
Somerville, rt.hn.SirW.
Stanford, J. F.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Sutton, J. H. M.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Tollemache, hon. F. J.
Tollemache, J.
Townshend, Capt.
Verner, Sir W.
Verney, Sir H.
Vivian, J. H.
Walsh, Sir J. B.
Welby, G. E.
Williams, J.
Williams, W.
Wilson, M.
Wortley, rt. hon. J. S.
Wyld, J.
Wyvill, M.

TELLERS.
Horsman, E.
Hall, Sir B.

List of the NOES.

Bailey, C.
Bailey, J.
Baillie, H. J.
Bankes, rt. hon. G.
Barrington, Visct.
Bell, J.
Benbow, J.
Bennet, P.
Boldero, H. G.
Bramston, T. W.
Brooke, Lord
Bruce, C. L. C.
Cabbell, B. B.
Carew, W. H. P.
Child, S.
Christopher, rt.hon.R.A.
Christy, S.
Clive, H. B.
Cocks, T. S.
Collins, T.
Cotton, hon. W. H. S.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Disraeli, rt. hon. B.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Freshfield, J. W.
Gilpin, Col.
Gladstone, rt. hon. W.E.
Greenall, G.
Guernsey, Lord
Gwyn, H.
Hamilton, G. A.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hope, Sir J.
Hope, A.
Howard, hon. E. G. G.
Hudson, G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kildare, Marq. of
Knight, F. W.
Knox, Col.
Langton, W. G.
Legh, G. C.
Lennox, Lord H. G.
Lewisham, Visct.
Littleton, hon. E. R.
Lygon, hon. Gen.
Mackenzie, W. F.
Manners, Lord C. S.
Manners, Lord J.
Masterman, J.
Miles, W.
Morgan, O.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Oswald, A.
Packe, C. W.
Pakington, rt.hon.Sir J.
Palmer, R.
Patten, J. W.
Portal, M.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Seymer, H. K.
Sibthorp, Col.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, Lord
Stuart, J.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
West, F. R.
Whiteside, J.
Wigram, L. T.
Wodehouse, E.
Wood, Sir W. P.
Wynn, H. W. W.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Goulburn, H.
Herbert, S.

Main Question put, and *agreed to.*

Select Committee appointed, "To inquire into the circumstances connected with the institution of the Rev. Mr. Bennett to the Vicarage of Frome."

ADJOURNMENT—THE MAYNOOTH DEBATE.

MR. BROTHERTON moved the adjournment of the House.

MR. OSWALD begged to ask the hon. Member for North Warwickshire what day he proposed to fix on for resuming the debate on the Maynooth question?

MR. SPOONER replied that it was not optional with him to fix any day for the purpose; he should now wait until in the course of business it came to his turn to bring on the question.

Mr. NEWDEGATE declared his intention to take the sense of the House on the Motion of his hon. Colleague, when the debate was resumed. The hon. Gentlemen who desired to speak on the question had every opportunity given to them to discuss it, but there appeared to be a distinct understanding amongst some hon. Members that they would defeat the question not by a direct vote, but by a system of factious opposition. The proceedings of that morning justified that opinion, and the hon. Member for Salford (Mr. Brotherton) favoured that attempt to quash the discussion of the question. But that attempt would not succeed, and whenever the dropped notice for an inquiry into Maynooth came on, he would ask the opinion of the House on the Motion for inquiry, and divide the House against any further adjournment of the debate.

Mr. CHISHOLM ANSTEY trusted that the hon. Member for Salford would not persist in his Motion of adjournment. He wished the Maynooth question to be brought to a decision as soon as possible, and would be no party to getting rid of it by a sidewind. Were they to let five or six other orders drop in order to escape this one? It was most important that there should be a decision before the dissolution.

Mr. BROTHERTON denied that it was his wish to get rid of any question; his object was to get rid of the House after a fourteen hours' sitting. If they proceeded with the Orders of the Day, they could not get away before four o'clock.

Mr. HINDLEY agreed with the hon. Member for Salford, and appealed to the Government for support.

The CHANCELLOR of the EXCHEQUER certainly must say he thought they had sat quite long enough.

Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

The House accordingly adjourned at half-past One o'clock.

HOUSE OF COMMONS.

Wednesday, June 9, 1852.

Minutes.] Public Bill.—2° Disabilities Repeal.

EPISCOPAL AND CAPITULAR REVENUES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. WALPOLE said: With reference to this Bill, I think the state of the Session will not allow us to go on with a discussion so large, even if there were not parts of the measure to which I have serious objections. But, independent of this circumstance, I have had, since the Bill was introduced, an opportunity of consulting the heads of the Government, and conferring with the highest authorities in the Church, and those who take an interest in these subjects; and I am now prepared to state that Her Majesty's Government are willing to undertake the consideration of the subject with reference to capitular revenues and capitular bodies, and to deal with them so as to make them more extensively and more practically useful than they are at present; and also with the view of extending spiritual instruction and education which might be advantageously carried on by these bodies, and of putting them generally on a more satisfactory footing than they now are. That being the cause, I do not know whether the noble Lord (the Marquess of Blandford) will wish to go on with the Bill; but what I would suggest is, that he should move to discharge the order of the day, leaving to the Government the consideration of this question, which they are willing to undertake. If the noble Lord will assent to this suggestion, without my being required to state my objections to parts of the Bill, I should certainly prefer it.

The Marquess of BLANDFORD had expected Her Majesty's Government would have some declaration to make on the subject; and his object being to obtain a declaration of opinion from them as to the necessity of some such measure, he was quite prepared to adopt his right hon. Friend's suggestion.

Mr. HORSMAN: How about the 37th Clause—that relating to the management of the property?

Mr. WALPOLE: I do not think the House should call on the Government to pledge themselves to any details, till they have had an opportunity of fully considering the subject; and I hope the House will not, seeing that I have given a distinct undertaking that we are willing and anxious to take up the subject, and give it our fullest consideration, press further discussion.

Mr. SLANEY said, the House would have heard with great satisfaction the statement of the right hon. Gentleman, that Government were willing, in a spirit of fairness, to undertake the consideration of the measure, and to carry out, as far as practicable, those views which were entertained by the noble Lord to whom the House and the country were so much indebted for his attention to a subject which he had dealt with with so much temper and so much moderation. He hoped the House would accept the offer of the right hon. Gentleman, and trusted that, from the consideration they had promised to give to this subject, a measure which would be satisfactory to all parties would result, and that the funds of the Established Church would be made more useful for the purposes for which they were intended in carrying out the sacred objects of that Church, and providing for the spiritual welfare of the great body of the poorer classes of this country.

SIR BROOK BRIDGES thought the statement of the right hon. Gentleman the Home Secretary did not go so far as the hon. Gentleman seemed to infer; at all events, it was desirable that the House should know how far Government intended to carry out the views of the noble Lord.

MR. WALPOLE: I know not whether I am strictly in order; but perhaps, after the remark of the hon. Gentleman, I may be permitted to say a few words. Now, the view I take of this Bill is this: I consider it involves four essential points of detail. First, the abolition of deaneries and the consolidation of the office of dean with the office of bishop; second, by a further reduction of the number of canonries; third, by the means to be acquired by those alterations, to add to the episcopate of the country; and, fourth, to make provision for the better management of the capitular and episcopal revenues. Now, with regard to the first—the abolition of deaneries—I see no reason, and on looking at the Bill of the noble Lord as it is, the hon. Gentleman will, I think, see that it would be impossible, to consolidate those two offices with advantage. We ought to keep the dean at the head of the chapter; and as to the suppression or reduction in the number of canonries, I think you would find it extremely doubtful whether, with a view of keeping up your cathedral institutions in efficient force, you can further reduce the present number. But we ought not to forget that through the instrumentality of recent Acts you have suppressed all sinecures—you have suspended 300 prebendaries and canonries, and applied some 78,000*l.* a year, acquired from these sources, to the augmentation of poor livings—and if by these means, or by other means, you can obtain a further fund for the purposes the noble Lord has in view—if you can thus acquire the means of increasing the strength of the episcopate of the country, I admit it would be very desirable, seeing that that episcopate now is, in point of numbers, exactly where it was at the Reformation—notwithstanding that the number of the clergy has increased—notwithstanding that the population has quadrupled, and the duties to be discharged by the bishops in Parliament and in their dioceses have doubled and trebled in amount since that period. With regard to the management of the capitular and episcopal property, I think there are two principles which we should keep in view in considering that part of the question. The one to relieve those high officers of the Church as much as possible from the cares and troubles of all worldly and temporal affairs—but at the same time to preserve that property in such connexion with them as not to leave them in the position of mere dependents and stipendiaries of the State. He had briefly touched on these which he considered the four essential points of the Bill. The spirit in which the Government propose to look at the question is, to see whether these great cathedral institutions might not be restored more fully to the high and lofty purposes for which they were endowed as temples for the worship of that Almighty Being for whose honour and whose service they were raised—as seats of learning for learned persons in the Church to resort to, and as councils to assist the bishops on various spiritual matters relating to their dioceses, and as connecting links between the higher and the lower orders of the Church, to keep the whole body of the Church in harmony together. This is the spirit in which the Government are desirous of undertaking the consideration of this question. I purposely avoid going into details—first, because I do not consider we have before us that information which would enable us fairly to discuss the question; and, secondly, because I am anxious to avoid prejudging the case by giving utterance to rash or premature opinions, which may be considered as binding upon us, but which hereafter we may find it extremely difficult to carry out.

VISCOUNT EBRINGTON was desirous of expressing his thanks to his noble Friend opposite (the Marquess of Blandford), for the pains he had bestowed upon this subject, and his satisfaction that Her Majesty's Government were prepared to deal with it. Without concurring in all that the right hon. Gentleman had said, he might corroborate what he had stated with regard to the labours imposed upon the bishops, and the desirableness of relieving them as much as possible from temporal cares. They had the testimony of Bishop Stanley that an enormous portion of the time of every bishop was absorbed in attending to technical and legal business, which was most unsatisfactory. He suggested that there should be some mode of superannuating or granting retiring allowances to bishops whom old age or sickness had incapacitated from work. He believed that there were insane bishops, as well as bishops who were no longer able from ill health or old age to discharge their duties. The consequence was, that the whole of these duties were performed by some other bishops, encroaching greatly upon their time and the wants of their own dioceses. This was an inconvenience to which the Roman Catholic Church was not subject. Wise in their generation, that Church had various arrangements with regard to her hierarchy and subordinate clergy in this respect, from which they might well take a lesson. There was nothing more important than to provide successors for those dignitaries who, from any circumstances, were unable to attend to their duties.

SIR ROBERT H. INGLIS concurred in what appeared to be the general feeling, that it was not expedient, after the declaration of his noble Friend that he intended to comply with the suggestion of the right hon. Gentleman the Home Secretary, to continue the discussion upon the Bill before the House. While expressing his thanks to the right hon. Gentleman for the general view he had stated on the subject, there were two or three expressions which fell from his right hon. Friend, by which, by the cheers with which they were received by some hon. Gentlemen, he thought more was understood than was intended to be conveyed. He referred to those passages of his right hon. Friend's speech in which he talked of relieving the bishops from worldly or temporal cares. He was sure his right hon. Friend did not mean to apply those observations—though he believed they had in some quarters been so understood—so as to convey an intention of separating in any way the Church from the State, by removing the bishops from the House of Lords; and he rose to express his conviction that such was not his right hon. Friend's intention, though it might have been so interpreted—whether for good or evil he would not say—by those who were the advocates of such separation. When his noble Friend (the Marquess of Blandford) first brought forward his Bill, he (Sir R. H. Inglis) felt it his duty to oppose in the strongest manner the principles of such a measure as he then advocated, while at the same time he did honour to the purity of his noble Friend's motives; but he could not forget that just in proportion as a man stood high in social position and character, so in proportion measures injurious in their tendency emanating from such men derived force. Had it been the desire of the House to enter upon the discussion of the Bill, he should have felt it his duty to enter further into the subject; but as it was not, he would not say how far he disagreed with many portions of the Bill, nor even how far he was compelled to differ on some points with his right hon. Friend.

LORD ROBERT GROSVENOR trusted, as his name was on the back of this Bill, that he might be allowed to express the gratification which he experienced when he heard the declaration of the right hon. Gentleman that it was the intention of the Government to deal with this question. He was quite aware how utterly impossible it was for an independent Member to have carried it to a successful termination. The country was deeply indebted to the noble Lord (the Marquess of Blandford) for having brought forward this Bill. The fact that the Government had taken up the measure, proved that it was very difficult to make any serious objection to it.

MR. J. WILLIAMS said, that the Welsh clergy were also deeply indebted to the noble Lord for his exertions upon this subject. They trusted that no clergyman would be elevated to the episcopal bench who was unacquainted with the language of the people; and they attributed the separation of a large body of the population from the Church of England to the fact that a contrary policy had hitherto been adopted.

SIR BENJAMIN HALL joined in thanking his noble Friend for bringing forward this question, and he hoped that next Session such a Bill would be brought in under the auspices of the Government as should place the whole temporalities of the Church on such a satisfactory footing, that, at all events, as far as he was concerned, it would be unnecessary to make further complaint. He was anxious to see the management of ecclesiastical estates taken out of the hands of the capitular and collegiate bodies, and unless Parliament provided for the management of all ecclesiastical property by means of a Commission, paying those who performed episcopal and ecclesiastical functions by fixed salaries, instead of allowing the present system to continue, the same abuses would go on with regard to the management of ecclesiastical property as existed at the present day. He wished to call attention to some facts in connexion with this point, and he did so with the view that a remedy might be devised and applied. In 1836, an Act was passed settling the incomes of the bishops, and assigning to each see a certain amount. The spirit of the Act, and the intentions of the Legislature, had been evaded by the bishops. He brought a case before the House last year, in order to show how this Act had been evaded. He mentioned a case where one bishop alone received no less than 79,000*l.* over the income assigned to his see up to the end of 1850; and he had no doubt that he had up to the present time received 100,000*l.* And this was a bishop of the new foundation; one who had been appointed in 1836, and was subject to the provisions of the Act. There was at this moment an order on the books of this House for a return of these incomes, which he was anxious to have before they were called to enter upon this discussion, in order that they might judge whether the statement he had made was justified; and this was one of the points to which he was anxious to direct the attention of the right hon. Gentleman, to prevent the possibility of abuses of this nature. There was also another point to which he wished to direct attention, and that was with regard to the management and control of cathedral establishments. They were all governed by certain statutes, which were passed for their management at the time of their foundation; and in almost every one of them it was provided that the bishop should take an oath that he would preserve those foundation statutes inviolable. One of these statutes was that the bishop should hold at least a triennial visitation of his cathedral. It would be very difficult to show an instance where that statute had been carried out, although the bishop was bound by a solemn oath to perform it. Take the case of a cathedral which had lately been brought before the notice of the public—he alluded to the Cathedral of Rochester. Now the bishop was bound by the statute to make a visitation of that cathedral once every three years. He had been informed that the bishop had never performed that visitation. If the bishops were compelled to make these visitations, he was sure that many of the abuses now existing would be rectified. The reason assigned for not making these visitations was, that no abuse existed. But how could that be ascertained if no examination took place? Another point to which he would direct attention was the duties of the officers of cathedral establishments. He would again take the case of the Cathedral of Rochester. The staff of this cathedral consisted of a bishop, a dean, five live canons and one dead canon, four archdeacons, and four or five minor canons, who received very little, but who did almost all the work of the cathedral. This was an evil which must be remedied sooner or later, and therefore a clause ought to be introduced in any Bill brought in by the Government, providing that the duties of officers of cathedrals should not be mere sinecures. The case he was stating to the House was not singular, and it must be taken as an illustration of many others. There were 108 sermons preached in Rochester in the year 1851. The bishop preached three times, twice upon one Sunday, and once upon another; he enjoyed an income of 5,000*l.* per annum. The dean and canons—five live canons, and one dead—preached 50 times, and received 4,826*l.*, or very nearly 100*l.* each time, besides a house of residence. The minor canons preached 55 times, and received 460*l.*, or about 8*l.* each time; they also performed almost all the service. This was an inequality which he hoped to see remedied. If the higher officers were to receive such large compensations, they should be compelled to reside upon the spot, and afford spiritual consolation and instruction to the inhabitants of those large cathedral towns. A very extraordinary circumstance had appeared in a Parliamentary paper laid upon the table. It would be there seen that these five live canons at Rochester considered that they had such hard duty to perform in consequence of the suppression of a stall at the death of one of their party, that they declared they ought not to perform the duties of the dead canon unless they received extra pay. A correspondence took place, which was upon the table of the House, and the Ecclesiastical Commissioners were actually obliged to make an allowance, under the sanction and seal of the bishop, of 50*l.* per month, to the five remaining canons, in order that the laity might have divine worship regularly performed. Surely this was an abomination which ought to be rectified. He would suggest to his right hon. Friend that these cathedral bodies should be called to render annually an account of their income and expenditure. Last year a very important Bill was passed in this House, notwithstanding the opposition of persons who possessed great influence in the Church, with reference to the rectory of Manchester. Under that Bill the accounts were handed in and published annually. In consequence of the operation of that Act, compelling the publication of accounts, a surplus had been obtained of 403*l.* 6*s.* 9*d.*, which was applicable to the wants of the working clergy, which they never would have enjoyed unless the Act had been passed. He wished that this were the last time he should have to address the House upon the subject of ecclesiastical abuses. He hoped that the Government would now see that there was a disposition upon the part of the House, and a determination upon the part of the laity of the Established Church, to insist upon reform, not only in the manner in which the ecclesiastical body performed their duties, but also that there should be a full and searching inquiry into the temporalities of the Church, not with a view to take the property from the Establishment, not with a view of depriving them of their revenues, but with a view of affording the really useful clergy full and sufficient incomes, and to make the Church effective for its purpose. If the Government did not bring forward measures calculated to carry out these great objects, and make the Established Church a blessing to the country, matters would assume a more serious aspect than they did at present, and a result would follow which the true friends of the Established Church would bitterly lament.

MR. HORSMAN fully concurred that, after what had been stated, it would be inexpedient to enter upon any lengthened discussion on this question, or to force the Government into explanations or details when they were not prepared to legislate immediately. He was quite sure that if the right hon. Gentleman had not expressed himself so fully on the subject as some might desire, it was because he was anxious not to raise expectations which he might find it difficult, if not impossible, to realise. At the same time while they had the question of the second reading of so important a Bill before them—and he fully admitted that the noble Lord might have acted judiciously in not pressing it—he could not see why the House should not enter into so much discussion as would enable the Government to know what the views of hon. Members were, and the nature of the reforms expected. It was impossible to evade the consideration of the question. The ecclesiastical system of this country was approaching a crisis to which it would be dangerous to shut their eyes; and if they endeavoured to pass over the subject without discussion and without the legislation which ought to follow, they were only increasing their difficulty; they were only shirking a danger, and postponing a duty. Unless they took upon themselves fully and fairly to reform all those abuses which were now permitted to embarrass and impair the Establishment, they would find the time for that reform might soon pass away altogether. There were three points upon which the public were pretty well informed, and upon which public opinion had been pronounced. The first was cathedral establishments; the second, the management of capitular estates; and the third was the present condition of the episcopate. How were they to deal with the first? They ought, whatever the condition of these establishments, or the difficulty of making them more efficient—they ought of course to set out upon the principle of renovating and repairing as much as possible, and of destroying as little as possible. But for his own part, he had seen no scheme of capitular reform likely to give satisfaction and to work well. As that was a point on which the Government had not intimated their views, he would make no further observation upon it, but would wait and see what their proposal was. The second point was of more importance, namely, the management of ecclesiastical property. This was a question upon which they could not shut their eyes, and for which there was no excuse for evading a decision. Last year there was a Royal Commission appointed to inquire into that subject—a Commission certainly not so constituted as to excite distrust on the part of episcopal bodies. One recommendation of that Commission was, that the estates of all ecclesiastical bodies should be administered by the Ecclesiastical Commission. There was one observation which had dropped from the right hon. Gentleman (Mr. Walpole) from which he dissented. The right hon. Gentleman stated that he thought it essentially necessary that the bishops of the Established Church should not have paid incomes like other public functionaries, but that they should have territorial powers and emoluments. That was a principle which he altogether disputed. He did not know upon what ground it could be said that when there was not another public functionary in the country who might not be paid by salary, and when Parliament had given a fixed income to the bishops, he did not know why the latter as to their mode of payment should be made an exception from other public functionaries. It was not derogatory to the Judges of the land to be paid their regular salaries. It was not derogatory to the Crown, which had given up the Crown estates, to become a pensioner on the public revenue; and he could not see upon what principle they could be justified in refusing to extend that practice to the bishops. No stronger reason for giving the bishops fixed incomes could be stated than that mentioned by the right hon. Gentleman—that the less they were encumbered with worldly affairs the better. If the bishops were to have a particular income, fixed by Act of Parliament, it was a more sensible and practical plan that they should be paid as the Judges and other public functionaries, with a public salary. He wished to ask the right hon. Gentleman whether, in considering the question of the management of the Church property, he had had his attention drawn to the fact that there were now three Boards sitting in London which were principally, and two of them almost entirely, composed of Bishops. The first of these was the Ecclesiastical Commissioners, the second, the Church Building Commissioners, and the third, the Commissioners for Queen Anne's Bounty. He (Mr. Horsman) had brought this subject before the attention of the House two years ago, and had shown the duties discharged by these bodies, the properties managed by them, and the expenses they entailed. He had shown that these three Boards were maintained at an expense of 13,000*l.* or 14,000*l.* a year. It was obvious that the whole of the duties could be discharged by one Board. A plan for consolidating them had been more than once mentioned, and objections were made only in one quarter — very strong objections were raised and adhered to on the part of the episcopal members of those Boards, but by no other parties whatever. Not a single disinterested person who had investigated the subject, doubted that these Boards could be consolidated with the advantage of saving many thousands a year, and of having the property better administered; yet these bishops had invariably resisted every attempt to consolidate them. It was true that the members of the three Boards were the same, that they met sometimes on the same day, and their whole duties could be discharged in one room. He did not know whether it was the intention of the Government to include this in their proposed scheme of Church reform; but he thought one of the first measures in the next Session should be to consolidate these three Boards. The only other point on which he thought it necessary to say a word with regard to the Bill, was the proposed increase in the episcopacy. The noble Lord said that an increase was necessary to the episcopacy, and asked the House to create new bishops of an entirely new grade without seats in the House of Lords, and with much smaller salaries than those possessed by the present members of the episcopal bench. An increase to the present class of bishops, with seats in the Legislature, was not thought advisable by the Government. If reform was necessary in the Church, it was wanted in the episcopate more than anywhere else, and certainly ought to be carried out before its members were added to. It was by many not thought wise or judicious to increase the number of bishops by adding another class, who should be called working bishops, not having seats in the House of Lords, and whose duties and efficiency might create invidious comparisons. The Government had undertaken the matter, and they would find that this was a rock ahead. The difficulty to be dealt with, was the position of the episcopal bench. That was the real difficulty, and they must not shut their eyes to it. They must either leave the bench in its present position, or they must undertake an ecclesiastical reform, in spite of those in whose hands all ecclesiastical reform had hitherto been left. All other public establishments had been reformed and reorganised in deference to public opinion and the spirit of the age. A full ecclesiastical reform had alone been impossible. Ecclesiastical law was at this moment in a state of the greatest confusion and inefficiency, because the legislation of the Church was left in the hands of the bishops, who were unwilling themselves to undertake any efficient or practical reform, and resisted, obstructed, and opposed those proposed by others. The consequence was, there was now an arrear of ecclesiastical reform which it would be difficult to overtake, and the overtaking of which would be matter of danger as well as of difficulty. He gave his right hon. Friend (Mr. Walpole) credit for applying himself seriously to this subject. He knew that the right hon. Gentleman felt the state of the Church to be most unsatisfactory, but at the same time, without unduly distrusting Government, he could not shut his eyes to the fact, that every Government found itself opposed by the episcopate, which, by its influence and political power, had compelled Government after Government to give way to it, by postponing or dropping every measure for inquiry or reform. They had done this so long that the whole ecclesiastical system was in such a state that many of the best friends of the Church now believed that no Ministry would be able to effect an ecclesiastical reform. It was no use attempting to avoid discussion on this subject, and he was certain they were only discharging a duty, when abuses were admitted, in suggesting remedies, and seeking to apply them with effect. He believed there was a very general concurrence in that House and in the country, amongst both laymen and ecclesiastics, that very large reforms were necessary. Among the Peers in the Upper House, there was hardly a difference of opinion ; but there was one body in the country, and only one—the Bishops of the Established Church—who opposed legislation, and who were opposed to all reforms, to the great embarrassment of every successive Administration. Once for all, the House must make up its mind, the public must make up its mind, and the Cabinet must make up its mind, that if they were to have reform in our ecclesiastical system, they must have it in spite of the opposition of the episcopal body, because it was not likely they would have it with its concurrence.

Mr. OSWALD said, as a member of the Church of England, he agreed in much which had fallen from the hon. Member for Cockermouth; but there was one subject which he, in common with other Members who had addressed the House, seemed to overlook. They seemed to propose that this House should resolve itself into a lay synod for the purpose of reforming the Church of England, whilst they overlooked the fact, that by the constitution of the country there were Houses of Convocation whose functions were now in abeyance, and no reform in the Church would ever prove beneficial or satisfactory to the country, which was not promoted principally by the Church itself. The Legislature had attempted over and over again to make reforms in the Church, especially of the deans and chapters, to which allusion had been made; but although the Dean and Chapter Revenues Bill had resulted in 78,000*l.* being applied, very properly, no doubt, to the enlargement of small livings, so far as the capitular bodies themselves were concerned, he was not aware that the Act had had any effect in improving in any degree the nature of these bodies. If that House was totally to overlook the fact that by the constitution of the country the Church of England was a corporate body, which had provided for itself a legislature, which ought to order and regulate its internal affairs, and that that House ought to act more as the guardian of the property of that Church, and to see that the temporalities were applied in such a way as the State thought proper—if that House was to intrude itself upon the spiritual functions of the Church, and if Committees were to be sitting upon the institution of every clerk to a benefice, and enter upon every detail of conduct of the clergy, putting the House in the position of universal bishop of England—he (Mr. Oswald) did not think any good object would be obtained. He did not say that Convocation could meet; but he did say, if these reforms were to be attained they must look abroad a little—they must not entirely forget that the Church of England was only one part of that great Anglican Church which now numbered in the world 106 bishops. They would find that in every other portion of that Church, except in that of England and Ireland, assemblies were fully and duly constituted for seeing that ecclesiastical order was properly observed; and in one large section, numbering a larger episcopate than our own—that of America, where there were thirty-six bishops—the lay element was introduced into that Church, giving the whole of the laity strong control over its proceedings; and in that portion of the Church to which he belonged something of the same kind was earnestly recommended by the episcopate in Scotland to the consideration of the Protestant Episcopal Church in that country. But he (Mr. Oswald) rose simply for the purpose of entering his protest against the supposition that this House of Commons, or any House of Commons, would be able alone, or would have any right alone, to regulate the internal affairs of the Church of England. It would be to convert her into that which they heard the hon. Member for Cockermouth style the creature of Parliament, standing upon nothing more stable than the breath of popular opinion, instead of being, as he (Mr. Oswald) believed, a divine institution that had a divine mission, and rested upon principles which were the foundation of society in England, and which that House could never, as he was sure that House would never wish, to subvert.

Mr. SIDNEY HERBERT did not rise to prolong the discussion, but he wished to say a few words on the nature of the proposals with which the Government had to deal. In the first place, he thought the noble Lord (the Marquess of Blandford) would do well to accept the proposal of the Government; and he would add, that from the conciliatory and moderate tone always expressed by the right hon. Gentleman the Secretary of State for the Home Department, there was no man in whose hands he would more readily trust the question with a view to adjudication. But it was obvious that great difficulties beset this question of Church reform. His own opinions went a great length, greater perhaps than many Gentlemen who sat around him; but he was convinced that the Government and the House must exercise great forbearance, because having such immense difficulties to cope with, they could only settle those points on which they could obtain almost universal assent, and which no opposition could affect. No extreme views could be successful. This question of Church reform included the extension of the episcopate, the diminution of the numbers of the chapters, the abolition of the deans, and likewise the restoration to the chapters of the duties which they were originally intended to perform, which he rather thought the right hon. Gentleman had omitted to mention. With regard to the first of these points, the number to be added to the episcopate, he thought too high an estimate had been taken. He not only saw, however, that a very large addition was necessary, but he saw the difficulties in the way—because as the hon. Member for Cockermouth had said, there was a great difficulty in the way of creating two classes of bishops, and there was a determination in that House that there should be no augmentation of the number of Bishops in the House of Lords. The rotatory principle was objectionable, because, with a large number of bishops, it would often happen the least efficient bishops would be representing the Church in the House of Lords. The other mode of augmenting the episcopate was by returning to the statute of Henry VIII., with regard to suffragan bishops. That would get rid, to a great extent, of the difficulty of having two classes of bishops, though he was aware there were many difficulties in the way of that proceeding. Then came the proposal of the right hon. Member for the University of Oxford (Mr. Gladstone), that when they created new bishops the voluntary principle should be called in aid of that creation. In the debate in the Session of 1848, when the right hon. Gentleman moved a resolution on the subject, the then Secretary of State for the Home Department, the right hon. Member for Northumberland (Sir George Grey), received the suggestion with great favour, though he expressed himself with that caution becoming a Secretary of State. He (Mr. Herbert) thought one reason for the augmentation of the episcopacy was the present system of management of Church property, from which the stipends of the present Bishops were derived, and which placed them in a position in which as Prelates of the Church they ought not to be—they were in fact land-agents for the Ecclesiastical Commissioners, over large estates from which they did not derive the proceeds. On the other hand, if all the lands were severed from the sees, except so much as would produce the amount of stipend which it was thought right for the bishop to possess, and those lands were held at rackrent, then this difficulty would have to be met—the management of lands at rackrent gave rise to much more secular business than the mere possession of estates leased out on fines, which required little or no management at all. At any rate, he thought the system as it now stood most objectionable. From the quantity of secular business imposed upon the Bishops, they were even now isolated from the ranks of the clergy. If irreproachable character, courteousness of demeanour, punctuality of correspondence, clearness in transacting business, were the first and only qualifications for a bishop, he was quite sure there were many Gentlemen on the Opposition benches who would make far better bishops than were on the bench, if the spiritual functions were not superadded. The secular functions took so much time, that the more important, the more sacred, duties seemed to be lost sight of by the public in a great measure; and it was that to which attention ought to be directed. He was bound to say the hon. Member for Cockermouth was not always quite fair in his remarks on the episcopate. Whatever might be their collective reputation, many of them were as great Church reformers as any Gentleman in this House. Many most efficient measures of Church reform had been suggested and undertaken at the request of Bishops; and certainly there were on the bench many active men, who fulfilled their sacred duties, and were quite unworthy the censure imposed on them by the hon. Gentleman. With regard to the chapters, and the abolition of deans, he wished to hear both sides before he committed himself to any opinion; but of this he was perfectly certain, that it was not wise to diminish the numbers of the chapter. That had been done on a previous occasion, both in respect to their number and salaries. The chapters, by a long course of neglect and desuetude, had been, and were when reform was proposed, remiss in performing the duties for which they were originally constituted; and the error was, that when reform was instituted, instead of saying to these gentlemen, "You must in future perform such and such duties you are bound by oath to perform," no notice was taken of the neglect of duty, but merely a reduction made in the numbers and the amount of salary. Now, if twelve men did not perform the duties, four men not performing them was only an improvement in degree. A sinecure was as bad at 500*l.* as at 800*l.* or 1,000*l.* a year. The change had not come into full operation yet, and its result was not fully known. Many hon. Gentlemen said, that the chapters were altogether unsuitable to the present day, and that they ought to be swept away; but in parts of England voluntary efforts were making by combination to perform those duties which the chapters should perform. At Birkenhead, an Irish clergyman named Baily, who was well known to the noble Lord (the Marquess of Blandford), had established an institution, with rules and objects very like those which were drawn up by Cranmer in the time of Henry VIII. when he drew up the statute for the new foundation of cathedrals. It was instituted for the education of the clergy who wanted pastoral training places before they went out into the world to act as deacons; before they took orders and entered on the responsible duties of their sacred offices. The same thing was wanted in connexion with the chapters. They wanted schools, training places for the young clergy. Those who went out as deacons at the present time had to be taught; and instead of being paid ought to pay for learning the pastoral duties. He would therefore recommend the noble Lord, instead of reducing the number of canons, to declare by his Bill that no canonry, on a voidance, should be filled until a proper scheme was prepared and effected, touching the proper duties of teaching and training which those canons had to perform. He also hoped that a provision in the noble Lord's Bill would not escape the attention of the Government, by which it was made necessary for the bishops to reside in their cathedral cities. He believed there were fifteen or sixteen Bishops who lived like country gentlemen at great distances from their cathedral cities; and the clergyman who required to see one of them was put to great expense and inconvenience. It was, besides, setting an example to the clergy of non-residence. It was a sort of absenteeism, enabling the Bishop to remove from the influence of the chapter, which was intended for his counsel, to check any hasty decisions, and at any rate to strengthen the Bishop's decisions by its advice. He heartily concurred in the observations of the hon. Gentleman, that in the case of Welsh bishoprics it should be a *sine quâ non* that the clergyman should be master of the language, which was the only language spoken by his flock. He remembered such a claim was made in the House of Lords, and the Lord Chancellor complained that it was an unjustifiable interference with his patronage. The time for such opposition was now past, and he hoped the provision suggested would be one which would meet with universal concurrence. In these matters he felt they discussed them in too legal a spirit, and laid more weight on the vested interests of individuals, than on the spiritual interests of the mass of the people. With a large population and insufficient cures, one clergyman had the cure perhaps of 30,000 or 40,000 souls.

They wanted to divide the living, but they could not, because the patron would not give his consent—the patron's right would be damnified by having three or four small livings instead of one large fat benefice to give to a relation or friend. Careful as they ought to be of vested interests, such impediment put a stop to all hope of improvement in the Church, and led to the institution being regarded as not working for the spiritual benefit of the people, but for the convenience and rights of property of individuals. He was extremely glad the Government had given the answer they had; he thanked the right hon. Gentleman the Secretary of State for the spirit in which it was given, and he hoped the noble Lord would at once accede to the suggestion to withdraw the Bill.

The Marquess of BLANDFORD said, it was the opinion of those hon. Gentleman who had assisted him in bringing this Bill forward, that he should give way to the proposition of Her Majesty's Government, and he was quite willing to do so, because it was also his own wish, formed after communicating with the right hon. Gentleman (Mr. Walpole), and because it was the general wish of the House, that that course should be adopted. He would not now go into the question further than to refer to one or two circumstances which had been touched upon by the right hon. Gentleman (Mr. S. Herbert) with regard to the abolition of deans. The right hon. Gentleman said the abolition of deans, or rather the absorption of their offices into the duties of bishops, could not be carried out, because the two offices of dean and bishop could not be combined. He, however, would remind the House that his measure was consistent with itself, for the principal duty of dean was the management of the estates of the Church, and this duty he proposed to transfer to the Ecclesiastical Commissioners—thus making the dean's office virtually a sinecure. In ancient times the duty of the chapter was that of council to the bishop; and the bishop, dean, and chapter had property in common. The bishop was the principal person in the chapter, and, as Burns expressed it, the chapter had to advise him in spiritualities, and restrain him in temporalities. In the progress of time the property and duties of the bishop became separated from that of the chapter, and a double interest was created; the consequence was, that the deans assumed a position in the chapter which was perfectly irreconcilable with their subordinate capacity to the bishop. What he proposed was to place them in a proper position, and to provide those endowments which would be requisite for the increase in the episcopacy, which every one had admitted was desirable and necessary. With regard to the suspension of canonries, it might be thought from that proposal that he was desirous of abolishing chapters. This was not correct. He did not propose their abolition; he only proposed the separation of their functional from their endowed character. He proposed that chapters should be constituted of some members who should be paid, not by other endowments but by settled incomes, and that the surplus property be distributed among the hardworking clergy, and especial reference should be had to those who had been created by Sir Robert Peel's District Clergy Act of 1843. With regard to the increase of the episcopate, and the difficulties in the way of the question, adverted to by the right hon. Gentleman the Member for South Wiltshire, he thought the rotationary principle suggested by that right hon. Gentleman as to the Bishops sitting in Parliament would overcome one of the objections to the increase of the episcopal bench. He considered that the system adopted in the election of Irish Peers if followed with regard to the Bishops would not trench on their spiritual dignity and necessary influence, while it would get rid of a great deal of that jealousy which was felt on the subject. He would read some words, which he had no doubt would be received with much respect by that House. He referred to a speech made by the Earl of Derby when the measure for creating an additional Bishop of Manchester was under debate. Lord Derby said—

> "If they laid down a good plan for the improvement of the Church, they might confidently reckon on the friends of the Church, and that funds would not be wanting. One of the principles of Church extension was to increase the property of the Church by putting forward the property it possessed as an inducement for others to come forward with voluntary subscriptions.
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> He would earnestly beg Government to consider what were the actual requisitions of the Church, and not to consider that the four new bishops would meet all the existing wants."—[See 3 *Hansard*, xciii. 288.]

Those were Lord Derby's sentiments then, and they were perfectly applicable now to the question before the House. With regard to what had fallen from the right hon. Gentleman the Member for South

Wiltshire, he admitted his suggestions differed to a certain extent from the provisions of his Bill; but then the matter was so large, and required such continual consideration, that if the Bill had gone into Committee he should have felt it to be his duty to make alterations in order to meet the views of hon. Members. With regard to the educational functions of the chapters, he considered they were of the utmost importance. With regard to the institution founded at Birkenhead by Dr. Bailey, to which the right hon. Gentleman had alluded, he might state that the greatest benefits had resulted from it. A number of theological students were thereby brought into contact with the masses of Liverpool, under the superintendence of the clergy, as scripture readers, and thus obtained invaluable theological training. From those schools ten bishops made appointments, and thus clergymen were obtained perfectly well suited to enter at once upon the duties of their calling when appointed to a parish. Those training institutions ought to be multiplied. The course he should pursue on the present occasion was to ask leave to withdraw his Motion—not, however, pledging himself to accept the measure Government were to introduce, but reserving his right to bring forward the question in any manner he might hereafter think advisable. It was impossible not to see that a great work was before Government, and that through its agency the Christian faith might be extended to tens of thousands, and be made to strike its roots deeper into the affections of the people. He could not conclude without solemnly warning Government of the consequences which would befall the Church, should there be any incapacity within, or any just cause of reproach from without. It was impossible Government could divest itself of the great responsibility of the results which would follow from failure. He begged to move that the order for the second reading of the Bill be discharged.

Motion by leave *withdrawn;* Order for Second Reading *discharged;* Bill withdrawn.

COMMITTEE OF PRIVY COUNCIL ON EDUCATION.

Sir ROBERT H. INGLIS said, he would take that opportunity of asking the right hon. Gentleman the Secretary of State for the Home Department a question, of which he had given notice—whether the Committee of Privy Council on Education had prepared a Minute by which a relaxation of the management clauses would obtain their sanction; and if so, whether his right hon. Friend had any objection to lay it on the table of the House?

Mr. WALPOLE said, in answer to the right hon. Baronet, the Committee of Privy Council on Education had prepared a Minute, admitting the relaxation of the management clauses in one respect, which he thought very important, and a copy of that Minute should be laid on the table as soon as it was finally settled.

Sir ROBERT H. INGLIS: It is finally settled.

Mr. WALPOLE: The wording is not finally settled.

Sir ROBERT H. INGLIS: But the principle is settled.

Mr. WALPOLE: Yes.

COUNTY ELECTIONS POLLS BILL.

Order for Committee read.

Lord ROBERT GROSVENOR said, that he had been under the impression that all objections to the principle of the Bill had been completely disposed of by the almost unanimous assent of the House to the second reading. He found now a notice on the paper, given by the hon. Member for South Leicestershire (Mr. Packe), who intended to reopen the question of the principle. He should, therefore, simply move that Mr. Speaker leave the Chair without then entering into any explanation of the alterations he proposed to make in the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. PACKE said, he had had no opportunity in the previous stages of the Bill of stating the strong reasons he entertained against it, and he had hoped that the noble Lord would have given some reason for proceeding so rapidly with the measure. He thought it was a measure fraught with mischief, and would be the cause not only of inconvenience, but of great injustice to county electors. Only two reasons had been stated for limiting the poll in counties to one day. In the first place it was said that there was more bribery on the second than on the first day. Although there might be a greater pressure of voters on the second day, he did not believe it was the result of bribery.

The other ground was the decrease of expense. If he had merely his own interests to consider, he might assent to the measure on this ground, for no doubt expense would be lessened; but they were to consider whether they would not be depriving some county electors of the franchise by placing it beyond their power to exercise it in more than one place. He himself had votes in seven counties, and at the election of 1841, if he had not had the advantage of two days' polling, he could not have exercised his right of voting in those several counties. The time occupied by all the county elections in the Kingdom was only six days. According to the Act the sheriff of a county was required to fix the day of election not sooner than ten days after receiving the writ, and not later than sixteen days. The number of county elections in England and Wales was seventy-nine; and he wished to know how it would be possible for electors who had votes in different counties to give their votes if the polling were in all cases limited to one day. If they were all to be determined in such a short time, was it not a mockery to pass such a measure? and it would be better at once to disfranchise so many voters, than do it, as it was rumoured was intended, by a sidewind in the shape of this Bill. The noble Lord must see that his own Bill would not produce the benefit he desired. The only remedy he proposed was the extension of the hours of polling from 4 to 6 o'clock. Now the result of that would be that frequently there must be two hours' polling in the dark—which would give great facilities for election riots, in which the destruction of the poll books might easily take place. He was able to refer to a speech delivered by a distinguished Member of that House, which embodied his own sentiments so fully that he would beg to read a portion of it. It stated—

> "He thought it politic to reduce the expenses of contested elections within a certain limit; and that limit was the consideration due to the full and free exercise of the franchise. The paramount consideration was not whether the expenses of candidates could be reduced, but whether such reduction was consistent with the full and free exercise of the franchise. He was bound to say he did not think it was, trying the present measure by that test. He perfectly agreed with his hon. Friend the Member for the West Riding of Yorkshire (Mr. B. Denison) that the analogy between counties and boroughs could not be sustained. No Bill had ever met with greater approbation than that for abridging the time for elections in boroughs. But it must be observed that residence within seven miles was an indispensable condition of voting in boroughs. In reference to counties, there was no such limitation; and in some counties it appeared that so many as one-fourth of the electors were non-resident. This discussion was in some respects rather a game at cross purposes; the facts adduced by the noble Lord (Lord Worsley) for the purpose of showing that the number of voters on the second day at various contested elections was so small as not to affect the result, might bear a different construction. He had no idea that the number of voters who voted on the second day was so great. He knew two constituencies—the one the largest in England, Middlesex; and the other the smallest, Rutlandshire—in which the decision of the first day was reversed by that of the second. Speaking generally, no rapidity of communication could compensate for the difficulty stated by the hon. Member for the West Riding of Yorkshire (Mr. B. Denison), that several gentlemen had a right to vote in two, three, or four counties; and that they might be precluded from the exercise of their right by means of the proposed restriction. When there was a rule established by which parties were permitted to exercise their rights in more than one county, he did not see why the House should depart from that principle. The period of two days for polling was in favour of the franchise. He saw no advantage to be gained from the adoption of the present measure, except in reducing the expense of contested elections; but he did not think that advantage would be wisely purchased in the present instance. On the whole he was for adhering to the present practice. He was surprised that those who were seeking to enlarge the county constituencies, which could only be done by multiplying the number of out-voters—to which he had no objection, provided they were *bonâ fide* votes—should wish to abridge the time of polling. He wished to maintain the practice most conducive to a full and free exercise of the franchise. On these grounds he should vote against the second reading."—[3 *Hansard*, lxxxv. 862–3.]

That was said by the right hon. Gentleman the Member for Ripon (Sir J. Graham), when a measure similar to this was before the House, and which was negatived by a large majority. He (Mr. Packe) was much surprised to see the name of the hon. Member for the West Riding of Yorkshire (Mr. B. Denison) on the back of this Bill, who, on a late occasion, had stated his belief that county elections could be completed in one day, if there was an increase of polling places, and that it would only operate to prevent a few persons voting in several counties; yet that hon. Member, the year before last general election, in a speech of his following the hon. Member for Manchester, then Member for Durham (Mr. Bright), who stated that the hon. Member for the West Riding (Mr. B. Denison) had admitted that the county of Durham could be polled in one day, used these words:—

> "He had made that admission; but that was

not the question. The question was, whether they ought to apply the same rule to counties as to boroughs. If they did, they would undoubtedly deprive a number of out-voters of the opportunity of voting. He, for instance, had a vote in Lincolnshire and in Yorkshire, but could not avail himself of it if the election for each took place on the same day. He had heard no complaint whatever from county constituencies on the score of expense; and having been requested by a great number of persons to oppose this Bill, he, for these reasons, had resolved to do so."—[3 *Hansard*, lxxxv. 861–2.]

He would only consent to the Bill, if it gave those whom it prevented from voting in all the places they had the franchise, the power of voting by proxy.

Colonel SIBTHORP seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. BAILLIE said, that the county he represented was placed in peculiar circumstances, and the electors would be prejudiced by the operation of this Bill. He trusted he might be allowed to state those circumstances. [Lord R. Grosvenor: The Bill does not apply to Scotland.] If the Bill did not apply to Scotland, he had nothing to say on the subject.

Mr. ALCOCK said, he agreed with the hon. Member for South Leicestershire (Mr. Packe) that it would be indiscreet to sanction the extension of the hours of polling from Four to Six o'clock; but that was a matter for consideration in Committee. He agreed with his noble Friend (Lord R. Grosvenor) in wishing the polling at county elections to be confined to one day. It appeared by a return for which he (Mr. Alcock) had moved, that there had been contested elections in only twenty-two counties since 1840, and which required two days' polling. The hon. Member for South Leicestershire had laid great stress on the argument, that if there was only one day to poll, many persons who had votes in different counties would be unable to give them. But the facilities of locomotion were very different now to what they were at the time of passing the Reform Bill. It was only after the opening of the Great Northern Railway that he (Mr. Alcock) was enabled to give his vote in the county of Lincoln. If this Bill was passed, it would enable a county election, when the nomination was on a Wednesday, to be concluded on a Saturday; whereas now it could not be concluded till the Tuesday, making the time the election was pending nearly a week.

Mr. WALPOLE said, he wished to state on the part of the Government, that they thought this a question which rather concerned the county Members than the Government, and he was now about to express only his individual opinion with regard to it. After the second reading of the Bill had been assented to by the House, he was not prepared individually to oppose its going into Committee; but he wished to warn the noble Lord (Lord R. Grosvenor), as he had done on a former occasion, of the difficulties he would have to encounter in Committee, in taking care that the Bill should be workable for the purposes of the ensuing election. By the first Act which regulated elections after the passing of the Reform Bill, the 2 & 3 *Will.* IV., c. 64, the polling places in counties were fixed. This was found inconvenient, because it was often desirable to alter, increase, or diminish the number of polling places; and by a subsequent Act, 3 & 4 *Will.* IV., c. 102, power was given to the magistrates at quarter-sessions to make alterations. But the power was carefully guarded. In the first place, a requisition was to be made to the magistrates by at least ten voters, and a month's notice was to be given of the intention to apply to the magistrates, which was to be lodged with the clerk of the peace; and, besides, notice was to be given in a newspaper circulating in the county ten days before the time at which the decision of the magistrates was to be given; and after that a memorial was to be sent to the Queen in Council, who would give permission for the alteration to be made. The first application must be made to the Court of Quarter Sessions. It was now the month of June, and no quarter-session would be held in time to go through the required formalities before the dissolution of Parliament. The noble Lord, by a notice of Amendment he had given, seemed to have considered that point, for he wished to "enable the sheriff to make such provisions in the polling booths that not more than 300 electors should poll at the same compartment, instead of 450, as is the rule at present." The noble Lord contemplated the difficulty, for by that Amendment he proposed to put the whole matter in the power of the sheriffs, as regards either the alteration or diminishing the number of polling booths; or, if it was not doing that, at least there was no other provision for the placing the polling districts in the most convenient places for the voters. [Lord R. Grosvenor: Not the polling districts.] He meant the "polling places." At any rate the effect would be to put the voters to inconvenience, and bring them up in crowds to places to which they would not otherwise have come. He should withhold his opinion as to what should be done with the Bill in Committee until he was satisfied that the proposed arrangement would be advantageous to counties.

Mr. BECKETT DENISON said, he would not retract the expressions which he had used on a former occasion, though he admitted experience had taught him wisdom. He had received letters from the under sheriff of Yorkshire, for the West Riding, and from the deputy clerk of the peace, stating that there would not be the least difficulty in taking the polling under the Bill in that district in one day, and he felt confident that every objection made to the measure could be fully answered in Committee.

Mr. HENLEY said, that the expediency of taking the votes in a county in one day's poll must depend much on the divisions of each county, and the number of voters. Numbers alone formed no difficulty in getting people up to the poll, but there was a difficulty in getting carriages. Where the arrangements of a division of a county were framed with reference to the facility of getting carriages for two days' polling, there would be great inconvenience in polling those places in one day, without giving an opportunity to such counties to consider the difficulty, and endeavour to remedy it at quarter-sessions. Time should be given to look to the arrangement of the county, and to see the numbers of voters assigned to a district who came up in one day. He did not understand that the noble Lord's machinery dealt with that question so as to operate on the next election. It would be impossible for that to be the case unless it was provided for in the Bill. The next quarter-sessions would be on 1st July, and the notice required by the present law could not be given, for let this Bill have what facility it might in passing, it could not become law many days before the end of the Session, and, therefore, could not operate on the next election unless it provided some machinery for the purpose. That being so, he was disposed not to proceed further with the Bill. If, however, it contained the required machinery for obtaining one day's polling at county elections, with the present facilities of locomotion he thought it would be a good thing. As to the diminution of expense, that was not so clear, for if polling places were multiplied agencies must be increased, and it was probable the expense of carriages would be much greater.

Mr. S. CARTER said, the only alteration would be, that instead of having a certain number of booths—say two for 900 voters, or one for each 450—they would have three booths, or one for every 300. It would not be necessary to alter the polling divisions of the counties at all.

Mr. FELLOWES said, he was at a loss to understand how the noble Lord, who professed himself in favour of an extension of the franchise, could bring forward a Bill which would assuredly have the effect of restricting it. He proposed, indeed, to add two hours to the time for polling; but if the elections took place, as they often would, in winter, it was evident that those persons who were inclined to riot and disturbance would avail themselves of the darkness; and that the Bill would lead to confusion and tend to disturb the elections, instead of producing peace and good order. He should vote for the Amendment.

Mr. DEEDES hoped the hon. Member for South Leicestershire would take the sense of the House against proceeding with the Bill. The fact referred to by the hon. Member for East Surrey (Mr. Alcock), that since 1840 advantage had been taken of the second day to poll in not more than twenty-two contested county elections, was a proof, not that this Bill was necessary, but that it was not required.

Colonel SIBTHORP said, he could not but express his surprise that this Bill, of which the operation would undoubtedly be to restrict the exercise of the most valuable of all political privileges, the franchise, should have emanated from the Opposition side of the House, where professions of "liberalism" were of such frequent recurrence. He had the good, or it might be the bad, fortune to be entitled to seven county votes, in Northumberland, in Yorkshire, in Lincolnshire, in Middlesex, in Hertfordshire, in Nottinghamshire, and Bedfordshire, and how would it be possible for him, with all the assistance he might derive from railways (for he grieved to think that he would be under the miserable necessity of riding by rail at the next election) to exercise the franchise in respect of all these seven votes, if the polling time were to be limited to a single day. How was a farmer who had come to London to sell his cattle at Smithfield to get back to Northumberland to vote at the election? He could only do so at the expense of great personal inconvenience, and with detriment to his interests. As to the plea of economy, on which it was sought to vindicate this Bill, such a plea was utterly contemptible. He liked to see money spent at an election, and would be glad if a little Californian gold flowed freely at the ensuing one. If Gentlemen valued the representative system, they should not button up their pockets as though their hands were never to be admitted into them.

Mr. W. BROWN said, that as the representative of one of the largest constituencies in England, he begged to state that he was sure the proposition to confine the polling at elections to one day would meet with the concurrence of his county, inasmuch as it would tend to diminish the opportunity of exhibiting many of the bad feelings which were too often excited on such occasions.

Mr. LOCKE KING said, that the Bill was supported by the representatives of very large constituencies—by the noble Lord the Member for Middlesex (Lord R. Grosvenor), by the hon. Members for Lancashire and for the West Riding. That alone seemed a sufficient reason why the House should go into Committee.

The ATTORNEY GENERAL said, that he had not the honour of representing a county, and probably never should, therefore perhaps he ought to apologise for addressing the House on a subject which, as had been said by his right hon. Friend the Home Secretary, belonged more especially to county Members. It appeared to him that the noble Lord the Member for Middlesex had not satisfied the House as to the pressing necessity of this measure at the present moment. He (the Attorney General) did not say that it might not be convenient to have one day's polling for county elections; and if there was time to arrange the machinery, he should not oppose their going into Committee on the Bill, because he thought it desirable that there should be one day's polling in elections for counties as well as in boroughs. He was not much moved by the argument that it might tend to deprive some persons who had votes in different counties of their right of voting. But what principally influenced him was the difficulty he had in persuading himself that inconvenience might not be caused at the next election by accepting the interposition of the noble Lord now. The hon. Member for the West Riding (Mr. B. Denison) said there was no difficulty in his county. But he represented a populous district, where the conveniences for polling were probably better arranged than in those where population was thinner. The noble Lord (Lord R. Grosvenor) must be aware of those difficulties, for he had endeavoured to provide for them by extending the hours for polling, which had been so strongly objected to; and, besides, he apparently thought there would be such a throng of voters at the polling places, that he had provided for the enlargement of the booths. His (the Attorney General's) objection to going on with this measure was, that they did not know whether it would not be almost impossible in some counties to take the poll in one day. Although he agreed in the principle of having only one day's polling, and that arrangements might be made to that effect, yet he thought such arrangements could not be made at the present moment, and therefore it would be better to defer the measure till they had further information on the subject.

Mr. COBDEN said, he thought the remarks of the Members of Her Majesty's Government were quite enough to induce the House, without a moment's delay, to go into Committee, for they had all admitted the principle of the Bill. Only two hon. Members had spoken against the measure; and the House must remember they were not asked to read the Bill a third time, but merely to go into Committee upon it. It had been stated by two hon. Gentlemen who had addressed the House, that they had each seven votes, and their apprehension was that they would not be able to exercise their franchise in seven different places unless the poll were kept open for two days. Now, seeing how many people in this country had no vote at all, and remembering that the hon. Gentlemen to whom he alluded were generally found voting against the extension of the franchise to their fellow-countrymen, he did not think any great weight would be attached to their arguments. It was well known that even in the most sharply-contested elections the result might be considered to be practically decided before two o'clock on the first day. He found that in the West Riding of Yorkshire upwards of 4,000 electors had voted between eleven o'clock and twelve o'clock, and that only 500 electors had voted between three o'clock and four o'clock. With regard to the difficulty of voters coming up to record their votes, it had been stated that some Leicestershire grazier might, perhaps, if the county election were restricted to one day, have to go upon that same day to some great annual fair at a distance from the county, and that was a reason why we were to have two days' polling! As to the difficulty which it was stated would exist in thinly-populated districts to find carriages in which to convey the voters to the poll, he hoped to live to see the day when voters in counties would be ashamed to be brought up to the poll at the expense of candidates. He would never degrade a fellow-countryman of his by paying him the money to perform such a duty. But polling districts were not so very extensive as to prevent county voters from walking to the poll. An average distance of seven miles was an extreme case; and was it too much to expect on the part of representatives who sat in that House until one or two o'clock in the morning gratuitously doing their duty to the electors of this country, that those electors, when the sacred duty devolved on them once in the course of three, four, or five years, of making their choice of a Member, would not freely and willingly and gladly walk a distance of seven miles in order to give their votes? Again, farmers generally had horses; we had been told some time ago that they owned nearly all the horses in the Kingdom, and they were therefore the last persons to be considered in this case. When the Reform Bill was passed, two days were the time allowed for voting in boroughs, and every argument now used against limiting the county elections to one day was used then. But many boroughs extended for seven miles, which was about the average size of the polling districts in the counties, and yet, notwithstanding the time of voting had been restricted to one day, all the predictions uttered as to the probable disfranchisement of voters were falsified, and the alteration had met with the most complete and unanimous approval of the country. The experience which that change had afforded gave a sanction to the proposed adoption of the same rule for counties; and he did hope that, after the almost universal admission that the principle of this Bill was a good one, the House would not surely stultify itself by refusing to go into Committee.

Sir BROOK BRIDGES said, he thought that that House ought to consider the convenience of electors rather than the convenience of Members. The hon. Member for the West Riding (Mr. Cobden) had cast reflections on those county voters who allowed themselves to be taken in carriages to the polling booths; but it should be remembered that whether they were taken at their own expense or at the expense of others, carriages for their conveyance should still be found. The hon. Gentleman had also stated that in some of the boroughs there were electors who were placed at as great an average distance from the polling booths as the county electors. But he could inform the hon. Member that in the county which he (Sir B. Bridges) represented, Kent, there was a town of 20,000 inhabitants, in which all those who had votes for the county were fifteen miles from the polling place. He believed that the House ought not to be asked to pass such a measure as that at the present advanced period of the Session; but he would not further discuss the question whether or not it might be desirable to adopt it on some future occasion.

Mr. BOUVERIE said, that if the county electors had excessive distances to travel for the purpose of recording their votes, it rested with the justices of the quarter-sessions to remedy that evil by increasing the number of polling places. But as the justices could not immediately proceed to cause additional polling places to be constructed, he would suggest that the House should pass the Bill with the addition of a Proviso to the effect that it should not come into operation until after the lapse of twelve months. There could then, he thought, be no reason for opposing the Motion that they should go into Committee on the measure. Hon. Gentlemen opposite might ask for delay before the House gave its sanction to the Bill; but he believed that they only wished to see it permanently defeated. They had always opposed it, and he feared that they would always continue to do so.

Mr. MILES said, he had listened with much pleasure to the suggestion of his hon. Friend who had just addressed the House. The magistrates assembled in quarter-sessions could not at present make provisions for securing the necessary number of polling places at the next election; but that objection would be obviated by suspending the operation of the measure for a period of twelve months. He was trongly in favour of the principle of the Bill; and he only wished to see it carried into effect under the circumstances which would be most likely to ensure its successful operation.

MR. OSWALD said, he could not sympathise in the complaint of the hon. Member for South Leicestershire (Mr. Packe), and of the hon. and gallant Member for Lincoln (Col. Sibthorp), who wanted to be seven gentlemen at once. It so happened that he (Mr. Oswald) had himself three county votes; but he would be happy to give up two of them for the attainment of a public advantage. He wished the Bill might be made to extend to Scotland, with the addition of a Proviso to the effect that in the case of the more remote islands of that country, the additional number of polling days should be allowed. He sincerely sympathised with the constituents of the hon. Member opposite (Sir B. Bridges) on account of the difficulty of travelling in the districts to which he had alluded, the state of which must be very bad indeed, when they could not go sixteen miles without having forty-eight hours to do it in. He cautioned large landed proprietors against resisting such a measure as the present. By opposing it they were seeking to give property not only its fair and legitimate force, but a force which it ought not to have. The effect of keeping up two days' polling was to increase the expense and diminish the number of candidates who could stand for counties.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 166 ; Noes 82 : Majority 84.

Main Question put, and *agreed to*.

House in Committee; Mr. Bernal in the Chair.

Clause 1,

MR. HENLEY said, that as that was the repealing clause of the Bill, he wished, before they adopted it, to ask the noble Lord who had charge of the measure when he proposed that it should come into operation? He wished to know whether the noble Lord would postpone that period until the justices in quarter-sessions should have had time to provide additional polling places? He could tell the hon. Member for the West Riding, that, with the present number of polling places, many county voters would either abstain from exercising their franchise, or would have to walk or to get themselves conveyed a distance of fourteen or fifteen miles; such, at all events, would be the effect in the county he had the honour to represent.

MR. COBDEN said, that, although the polling districts might extend over an area of fourteen miles, the average distance which the voters would have to travel could not amount to more than seven miles. Many of the electors would be in the immediate vicinity of the polling places.

MR. HENLEY said, he did not see what advantage it could be to a voter fourteen miles from the polling place to know that some other more fortunate person lived immediately near it. In the boroughs, seven miles formed the maximum distance from the polling places.

MR. COBDEN said, that in the borough of Aylesbury the distance was considerably more than seven miles.

SIR GEORGE PECHELL said, that the borough of Shoreham embraced a district of twenty miles long, and ten miles wide; and yet he had never heard that there had been any difficulty in getting any of the voters there to poll in a single day.

LORD ROBERT GROSVENOR said, it was his intention that the Bill should come into operation immediately. He regretted that this should be viewed in some degree as a party question; he did not say that one party would gain more than another by the proposed change. It was said he had shown no strong grounds for the measure proposed; he had not thought it necessary to make a long speech in its favour, after several Members of the Government had admitted its necessity, and the principle of the measure had been acted on by the Legislature ever since 1832. The hon. and learned Attorney General had said they were legislating in the dark. He differed from this; he had seen much of contested elections, and was convinced that a great deal of the disorder and intoxication prevailing at elections was owing to the continuance of the poll for two days. If the measure was brought forward late in the Session, that was not his fault, for two measures embracing the same principle as this had been before the House, and had been withdrawn. It was fallacious to contend that the polling could not be taken on one day. In fact, it was done so now; for no voter set out on the Monday, in order to vote on the Tuesday. Therefore, it could not be urged that it was impracticable for the voters to get to the poll. Allusion had been made to the difficulty of obtaining conveyances. At present, the first day, in nine cases out of ten, decided the election; and that, although the first polling day was only seven hours, from nine to four, while on the second day it was eight. From this he inferred that there would be no difficulty whatever in polling all the voters on one day. He did not apprehend that any further arrangements would be necessary; but to obviate any difficulty that might arise, he proposed to extend the time of polling till six o'clock. At present, on the first day, the average number polling was one voter in a minute; under the proposed arrangement it would not be more than one in two minutes. The possibility of a riot had been referred to; but he thought this much less likely in a county than in a borough. He had never heard of a riot in a county polling booth. He had always understood the boroughs were much more dangerous places; now, it seemed, it was the counties that were to be dreaded.

Mr. BECKETT DENISON would be no party to this Bill if he thought that its effect would be to deprive any elector of the right of going to the poll and giving his vote in the manner he did at present. The fact was, that every election was disposed of on the first day of voting, and therefore it was quite clear that all electors who came to vote on the second day had their trouble for nothing. He believed that there had been only a single instance since the Reform Bill, in which the voting of the second day had reversed the decision of the first day. If space were wanted, the sheriff had power to make as many additional booths as might be required, and the difficulty of bringing up voters would not be increased by the voting being limited to a single day. The under-sheriff of the West Riding of Yorkshire had informed him that at the last election, which took place at the time when the days were shortest, the largest number of voters had been polled during the early hours of the first day, and that on the second day the polling booths had been nearly empty for several hours. The under-sheriff had also stated to him that he would engage to poll the whole of the electors in three hours. It was, therefore, quite unnecessary that the public should be kept in suspense during the whole of a second day, and that working men should be kept away from their labour for that time. All the objections urged against this Bill had been urged against the Bill for cutting down the elections in boroughs to a single day; but he believed that there was no man in that House who did not admit that that measure had produced a salutary effect.

Mr. HENLEY wished to ask whether the hon. Member for the West Riding (Mr. B. Denison) would propose to disfranchise the electors who voted on the second day of the election? Was the hon. Member aware that in the counties of Middlesex and Rutland two elections had taken place since the Reform Bill, both of which had been decided by the second day's polling. The hon. Member stated that he would be no party to this Bill if he was sure that it would have the effect of preventing parties from voting. Now what was to be done in case a riot should take place? When riots occurred in towns, they necessarily happened under the eye of the returning officer, who could suspend the polling. But if there were twenty or thirty places of polling in a county, he (Mr. Henley) should like to know whether the presiding officers in these separate districts would have power to suspend the poll in case of persons being prevented by a riot from exercising their franchise? If not, it was very probable that parties would mob the hustings in order to prevent voters from registering their votes.

Mr. BECKETT DENISON said, he had no intention of disfranchising any person; and the whole effect of this Bill would be to oblige the greater proportion of voters to take means for registering their votes on the first day. He would have the poll taken in all cases in the shortest possible time, so that voters in one part of a district could have no knowledge of what was going on in another part, and that object would be effected by the present Bill. He believed that the deputy-sheriff possessed the same power as the sheriff of suspending the poll in case of a riot. With respect to the extension of the hours, he (Mr. B. Denison) must say that he felt so thoroughly convinced that there was no necessity for it, that he must vote against his noble Friend on that point.

Mr. BAILLIE said, he was of opinion that this Bill would promote the convenience of candidates, and would operate very much to the inconvenience of the great body of electors. The hon. Member for the West Riding (Mr. B. Denison) had stated that he had been informed by the under-sheriff of that district that he could poll the whole of the electors in three hours. But could he do so if the bribery oath was administered to all the voters?

Mr. BECKETT DENISON was of opinion that the bribery oath could not be administered to all the voters.

The ATTORNEY GENERAL said, he believed that the bribery oath might be administered to as many voters as either of the candidates pleased—

MR. FEARGUS O'CONNOR.

[The Attorney General was proceeding to address the Committee, but was interrupted by the disorderly and offensive conduct of the hon. Member for Nottingham (Mr. F. O'Connor), and who, on being remonstrated with by the hon. Member for the West Riding (Mr. Beckett Denison), thrust his half-closed hand into the hon. Member's face.]

Mr. BECKETT DENISON rose and said: Mr. Bernal, really, Sir, when the hon. and learned Attorney General, the first Law Officer of the Crown, rises to speak in this House, and when an hon. Member is called to order, and replies by thrusting his hand into the face of the hon. Member who so calls him to order—when that is the case, Sir, I think it demands the interference of the House. I take this opportunity to state that I have experienced great inconvenience, and have also observed other hon. Gentlemen suffer as much inconvenience from this behaviour; and I must say that, in my opinion, we have endured this annoyance with great goodwill for a very long time. But, Sir, there is a point beyond which it would be unworthy of us and of this House to submit. I regret being the individual who is obliged to make these observations; but in doing so I believe I speak the feeling and opinions of hon. Gentlemen in general.

Mr. BERNAL: As I have been appealed to as Chairman, I beg to state what I conceive to be the extent of the duty of the Chairman of this House. On representation being made to me, I hold it to be my duty to report the nature of such representation to the highest authority in this House—namely, the right hon. Gentleman the Speaker. If any hon. Gentleman considers I should report the conduct of any hon. Member, I shall be prepared to do so accordingly.

Mr. WALPOLE: Mr. Bernal, after what had taken place last night, I think the House had reason to expect that the interruption which then occurred would not take place again. I understand that an hon. Member has stated to you that he has been treated in a manner disrespectful to himself and unworthy of this House, and I do not think it right, under the circumstances, unless an apology is made by the hon. Member. I think that either an apology ought to be made, or that you should be instructed to report what has taken place to Mr. Speaker.

Sir JOHN PAKINGTON: I rise in confirmation of what has been said by my right hon. Colleague, to state that accidentally I observed what was the exact conduct of the hon. Member; and, after observing that conduct, I have no hesitation in saying, however painful it may be, that it is indispensably necessary, not only to the dignity of our proceedings, but to the conduct of public business, that this painful matter should not be passed over. I have, therefore, no hesitation in recommonding that we should suspend for a short time our proceedings, in order to report to the highest authority in this House what has been the conduct of the hon. Member in question.

Mr. Feargus O'Connor, Member for Nottingham, having interrupted the proceedings of the Committee by disorderly and offensive conduct towards the Member for the West Riding of the County of York;

Motion made, and Question, "That the Chairman do report the same to the House," put, and *agreed to*.

Mr. Speaker resumed the Chair; and Mr. Bernal *reported*, that the business of the Committee having been interrupted by the disorderly conduct of Mr. Feargus O'Connor, he had been directed to report the same to the House.

Mr. WALPOLE: I move that the hon. Member (Mr. F. O'Connor) be ordered to attend in his place.

Motion made, and Question proposed, "That Mr. Feargus O'Connor do attend in his place forthwith."

Mr. JACOB BELL would ask whether it was of any use to proceed in this way against a Gentleman who, it sufficiently appeared, was labouring under an affliction of a very severe nature? The House had better refer the case to two medical men.

The ATTORNEY GENERAL: We all witnessed the conduct of the hon. Member for Nottingham last night, and I think we cannot hesitate to come to the conclusion that the hon. Member is master of his own actions, sufficiently so at least to warrant the House in interfering to restrain him. One of the grossest indignities that I ever witnessed was committed last night upon an hon. Member for whom we all entertain the highest respect, and it behoves the House to prevent a repetition of such conduct. If I thought that the hon. Member was not a free agent, and that he had not command of himself, as I have no doubt from what passed last night that he has, I should not consent to the hon. Gentleman being required to attend in his place, the consequence of which we are all aware of; but inasmuch as I am perfectly satisfied that the hon. Member is able to understand what gentlemanly and forbearing conduct in this House is, as on being called to account last night he instantly made an apology for his misconduct, I think it would not be consistent with the dignity of this House if it passes over what has occurred, and allows the hon. Member to retire without that observation being taken of his conduct as may prevent a repetition of such proceedings, and may enable the business of the House to be proceeded with in a proper manner.

MR. T. DUNCOMBE: I think, Sir, I was partly responsible for the proceedings of the hon. Member. I was sitting here (on the front Opposition bench), and after conversing with the hon. Member, who talked an extraordinary quantity of nonsense, he gave me a blow in my side. I said to him, "If you repeat this you will get yourself into a scrape, and will get yourself shut up;" upon which he laughed and turned round to the hon. Member on his right (Mr. B. Denison), and struck him in the face. It is a painful and difficult question—whether, if a man would do such an act after the warning he had just received, he can be a free agent. I should say that he is not. To call upon the hon. Member to make another apology after what took place last night, really appears to me to be a waste of time. Then again, supposing the hon. Member should say that he will not appear in his place in obedience to our summons, what are we to do in that case? I am of opinion that it is necessary for the House to take decisive measures at once, not only for our own sakes, but also for that of the hon. Member himself.

MR. R. C. HILDYARD: Mr. Speaker, I concur with the hon. Member who has just addressed the House in thinking that it would be a perfect farce to request the presence of the hon. Member for Nottingham, and inform him that he must make an appology. The apology would be made, and before quitting the spot where it was made, the hon. Member would be certain to commit another outrage. This being the case, it would be mere trifling to order him to appear in his place. Then comes the question, what course ought we, under these circumstances, to pursue? I will venture humbly to suggest it. We all of us, or, at least, many of us, witnessed the insult which the hon. Member for Nothingham offered to another hon. Member of this House, by putting his fist in his face. To commit such an act in this assembly is a grave contempt, and it is competent to us to commit the perpetrator of it to the custody of the Serjeant-at-Arms. Whether the power of commitment will cease to have effect at the end of the Session, is a matter with which, perhaps, we need not embarrass ourselves at the present moment. It appears to me that by adopting this course we should vindicate the dignity of the House, and for the remainder of the Session remove the hon. Member from these walls, within which he is so constantly obstructing business. If, therefore, I should be in order in doing so, I would move that Mr. Feargus O'Connor be committed for contempt to the custody of the Serjeant-at-Arms.

MR. SPEAKER: It is perfectly competent to the House to take the course suggested by the hon. Member for Whitehaven. It is usual, when a charge of misconduct is made against an hon. Member, to hear any explanation which that Member may offer. On that account I suggested that the hon. Member for Nottingham should be ordered to attend in his place; but if the House should be of opinion that the offence which the hon. Member has committed is flagrant and culpable, and admitting of no apology, it will be competent first, without directing him to attend in his place, to order him to be committed to the custody of the Serjeant-at-Arms.

MR. CHISHOLM ANSTEY: I rise Sir, to suggest a middle course, which, I understand, has been adopted in some cases, namely, to sequester the hon. Member from his seat in Parliament. By adopting this course we should enable the hon. Member's friends to take charge of him, and prevent his doing mischief, while, at the same time, it would be a less severe measure than that suggested by the hon. Member for Whitehaven.

Mr. AGLIONBY: Sir, I have closely observed the conduct of the unfortunate Gentleman who is the subject of discussion, and I entirely disagree from the hon. and learned Attorney General in the conclusion at which he has arrived respecting him. I can be no party to any proceeding which would treat the hon. Member for Nottingham as a free agent, in the ordinary sense of the words. I am free to admit, that when you, Sir, last night called on the hon. Member to make an apology for his conduct, he immediately did so; but we see that the apology has been followed by a repetition of the offencce. If an order for the hon. Member's commitment would have the effect of placing him under the care of medical attendants and the protection of his friends, I would not hesitate to assent to it; but, if otherwise, it would be abhorrent from my feelings, believing as I do that the hon. Member labours under an aberration of intellect, to consent to his being committed for contempt. I think that while providing for our own protection and the maintenance of the dignity of the House, we should use our power with due regard to humanity.

Sir DAVID DUNDAS: Sir, it is impossible to determine accurately what is the state of the hon. Member's mind; but, having noticed him for some time, I am clearly of opinion that he knows enough of the consequences of his actions to be answerable for what he does. But, be the hon. Member's mind in the state in which the hon. Member who spoke last supposes it to be, will any one tell me that if a man in that state of mind were to act in a Court of Justice as the hon. Member for Nottingham acts here, the Judge presiding over the Court would not immediately take measures for preventing the Court from being outraged? He would do so to maintain the dignity of the Court, for the protection of suitors, and for the protection of the individual himself. This is the way in which I feel we ought to act. It is consistent with justice to put by a man who, in the opinion of some, is unable to take care of himself; and, at all events, we are bound to take care of ourselves. It is my opinion that the hon. Member for Nottingham is in a state of mind in which he might do much mischief. From what I have seen of the hon. Member's conduct towards the Chair, I feel that we are bound to protect you, Sir, against his eccentricity, whimsicality, and outrage.

Mr. S. CARTER: I think, Sir, the right hon. and learned Gentleman's last observation is an answer to his first. If he thinks that you, Sir, or any other Member of this House, is in danger from the hon. Member for Nottingham, he surely cannot believe the hon. Member to be in a state which would render him responsible for his acts. If a person in a state of mind resembling that of the hon. Member for Nottingham should be unfortunate enough to commit a crime, not a jury in the metropolis would hesitate to acquit him on the ground of insanity. The hon. Member has acted in a Court of Justice as he has acted in this House; but the result which the right hon. and learned Gentleman thinks inevitable did not follow. It was stated in the newspapers recently that the hon. Member visited the Law Courts one after another, exhibiting in each marks of eccentricity. No one wishes to prevent proper charge being taken of the hon. Member; but I would have this done in a way which would not reflect on the common sense and humanity of the House.

Mr. WALPOLE: I am sure Sir, the House will in this case, as in every other, act humanely as well as justly. I have throughout this Session witnessed the hon. Member for Nottingham conduct himself so disrespectfully towards the Chair, and so disorderly towards the House, that in my opinion the time has come when we are bound to take notice of the matter. It must be observed that, from the circumstance of the hon. Member's having been allowed during the Session to sit and vote in this House, we have hitherto been justified in treating him as a person who knows what he is about. Under these circumstances I think it my duty, without further debate, to move that Mr. Feargus O'Connor be committed to the custody of the Serjeant-at-Arms, for disorderly conduct and contempt of this House.

Sir JOHN PAKINGTON: I have no hesitation in saying that I feel it my painful duty to second the Motion. I this day witnessed the conduct of the hon. Member for Nottingham towards my hon. Friend the hon. Member for the West Riding (Mr. B. Denison), and previously I witnessed his conduct in the lobby to a right hon. Friend of mine, not now present; and his conduct on both those occasions, added to what we have all observed during the Session, has left no doubt on my own mind that the hon. Member ought not to be deemed master of his own actions. For the safety of the hon. Member himself, as well as for our own, and from regard to the propriety of our proceedings, I feel that we have no other course open to us than that of adopting the Motion, which I now second.

Motion, by leave, *withdrawn.*

Ordered, *Nemine Contradicente*—

> "That Mr. Feargus O'Connor, for his disorderly conduct and contempt of this House, be taken into the custody of the Serjeant at Arms attending this House; and that Mr. Speaker do issue his Warrant accordingly."

COUNTY ELECTIONS POLLS BILL.

The House then again went into Committee on this Bill.

MR. DEEDES said, as the principal difficulty would be the paucity of polling booths at the ensuing election, he would give notice of a clause that the sheriff shall on the requisition of the Court of Quarter Sessions increase the number of polling booths.

Clause 1 *agreed to.*

Clause 2 (Polling at County Elections to continue for one day only): Proposed to fill the blank with "passing of the Act."

Afterwards moved, "That the blank be filled with '1st day of January, 1853.'"

Question put, "That the blank be filled with 'passing of the Act.'"

The Committee *divided*:—Ayes 134; Noes 91: Majority 43.

Clause *agreed to.*

LORD ROBERT GROSVENOR then moved a clause to enable the high sheriff to make such provisions in the polling booths that not more than 300 electors shall be polled at the same compartment, instead of 450, as is the rule at present.

SIR JOHN DUCKWORTH thought there should be an increase of polling districts rather than of polling booths, so that the voters would have to travel shorter distances to give their votes.

MR. BECKETT DENISON said, no one disputed the desirability of increasing the polling districts, but that did not touch the question. He objected to the clause proposed, because it would increase the polling booths unnecessarily.

LORD ROBERT GROSVENOR said he had no objection to make it an enabling instead of a compulsory Clause; but if the opinion of the Committee was against the clause, he would not press it.

Clause *withdrawn.* House resumed.

Bill *reported.*

COUNTY COURTS FURTHER EXTENSION BILL.

Order for Committee read. House in Committee.

Clause 25 (Empowers the Lord Chancellor to give pensions to retiring Judges).

MR. STANFORD said, before the Committee took any step to increase pensions, they should have some good reason. He would beg to move to add the following words:—

> "Provided that such Judge, at the time of such resignation, shall have served the office of Judge for a period of not less than fifteen years."

They were by this clause about to empower the Lord Chancellor to grant pensions, not exceeding two-thirds of the salary, to any of the Judges, without any restriction. The Act giving power to grant pensions to the Judges of the Superior Courts provided that no such pensions should be allowed unless such Judges had served fifteen years, or are afflicted with some infirmity rendering them incapable of fulfilling their office. He did not see why this principle should be departed from in the case of County Court Judges.

CAPTAIN FITZROY said, the object of the retiring pension was to induce the retirement of Judges who, from age and other causes, should be incompetent. If the hon. Gentleman had moved that the pension should be given only in cases of infirmity, or having served fifteen years, he should not have objected to it.

MR. STANFORD said, they had already provided for bodily infirmity, and what he wanted to do was to prevent pensions being granted to Judges who have not served for fifteen years.

MR. WALPOLE said, this Amendment would prevent pensions being granted even in cases of permanent infirmity rendering the Judge unfit to fulfil his office.

Amendment *withdrawn;* Clause *agreed to.* The remaining clauses were then *agreed to.*

House *resumed.*

Bill *reported.*

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 10, 1852.

MINUTES.] PUBLIC BILLS.—2ª General Board of Health.
Reported.—Public Works; Industrial and Provident Societies.
3ª Apprehension of Deserters from Foreign Ships; Law of Evidence (Scotland).

LAW OF EVIDENCE (SCOTLAND) BILL.

On Motion that this Bill be now read 3ª.

LORD BROUGHAM described the various changes which had been introduced into the law of evidence by the Act of 1840, and Lord Denman's Act in 1843, and the benefits which had resulted from such changes. He regretted that the present Bill did not contain more than half of the improvements which were still required to be effected in the Scotch Law of Evidence, and trusted that a long period would not elapse before the whole of the varied improvements which had taken place in England on that subject during the last ten years would be applied to Scotland. The only reason for any hesitation on the part of the Scotch lawyers in immediately accepting the improvements recently made in the English law on this subject, arose from their desire to see first the operation of these alterations for a somewhat longer time in England. Among other instances showing the necessity of an alteration in the Scotch Law of Evidence, he referred to cases of inquiry into Peerage claims in that House, and Election Committees in the House of Commons. In the present state of the Scottish law, no person could be allowed to give evidence in any case who could be proved to have any interest whatever therein; whereas, in Peerage cases, as well as in election inquiries, both the parties prosecuting the inquiry, and those who were the subjects of inquiry, were not only liable but compelled to give evidence, unless they sheltered themselves under the plea that their evidence would be of a character likely to criminate themselves. It was most desirable that a complete assimilation of the law of evidence of the two countries should take place, and he trusted that the next Session would not pass without some measure for that purpose being brought forward.

After a few words from the Earl of MINTO and Lord CAMPBELL,

Bill read 3ª, and *passed.*

LOCAL TAXATION.

EARL FITZWILLIAM presented a petition from the Board of Guardians of the Wellingborough Union (Northamptonshire), praying that all Property may be required to contribute its fair and just share towards burdens which ought to be equally borne by all. His Lordship said that the question was one of considerable importance at the present moment; and, taken in connexion with a remarkable document which had been recently published by a Member of Her Majesty's Government, was of especial interest. The document to which he alluded was one of very great importance; but emanating, as it did, from the Minister who was specially charged with the administration of the finances of the country, the interest and value attaching to it could not be too highly appreciated. The document to which he had referred had appeared in the usual channels of information; it had attached to it the name of the Chancellor of the Exchequer, and it stated that "in preparing the financial statement for the year, it was officially represented to me that I must contemplate, in estimating the produce of the income-tax, a diminution of rent not much less in amount than 5,000,000*l.* sterling." But then the right hon. Gentleman went on to state—and this was a remarkable passage to which he (Earl Fitzwilliam) was desirous of drawing their Lordships' attention—that, "practically speaking, in this country rent has become a return for the capital invested in the improvement of the land. Laws to secure a return for such investment are not for a moment to be tolerated"—a most important admission—a most remarkable expression from so high a quarter—"not for a moment to be tolerated"—their Lordships would observe that it was not a question of present policy, but whether such laws ought to be "tolerated;" that "laws to secure a return for such investment are not for a moment to be tolerated; but laws which, by imposing unequal taxes, discourage that investment, are, irrespective of their injustice, highly impolitic; for nothing contributes more to the enduring prosperity of a country than the natural deposit of its surplus capital in the improvement of its soil. Justice to the land, in all systems of finance, is equally the interest of the proprietor and the farmer, but it is also equally the interest of the community." There could be no doubt that justice to every class of society was the interest of the community.

But, passing on, he came to the following paragraph, which was one of very remarkable import, and which he desired particularly to impress on their Lordships' minds:—"Every principle of abstract justice, and every consideration of high policy, counsel that the producer should be treated as fairly as the consumer, and intimate that when the native producer is thrown into unrestricted competition with external rivals, it is the duty of the Legislature in every way to diminish, certainly not to increase, the cost of production. It is the intention of Her Majesty's Ministers"—let their Lordships observe that—"it is the intention of Her Majesty's Ministers to recommend to Parliament, as soon as it is in their power, measures which may effect this end." He (Earl Fitzwilliam) trusted that it was the intention of Her Majesty's Ministers also to carefully consider the means by which they proposed to accomplish that end. The right hon. Gentleman then proceeded to tell them what were the means for accomplishing it. "One of the soundest means, among others, by which this result may be accomplished, is a revision of our taxation." Now, here they had the general proposition laid down that they were to have a total revision of taxation; and it might be wise and desirable to do that, and the results of such a revision might perhaps be perfect justice to all. But he would take leave to say, that any great and extensive changes by which burdens which had hitherto been imposed upon one class of the community were transferred to another class of the community, ought not to be lightly undertaken, or undertaken without a full and careful consideration of all the consequences that might ensue from adopting such a step. The document then went on to say—"The times are favourable to such an undertaking; juster notions of taxation are more prevalent than heretofore; powerful agencies are stirring, which have introduced new phenomena into finance, and altered the complexion of the fiscal world, and the possibility of greatly relieving the burdens of the community, both by adjustment and reduction, seems to loom in the future." Undoubtedly, if any means could be adopted by which a reduction of taxation could be effected, it would be exceedingly expedient to adopt them. But he might be permitted to say he was by no means sanguine of the benefits to be derived from "a revision of taxation;" and he believed if their Lordships travelled across the Channel, they would find the local taxation in the different departments greater than the local taxation in the local districts of this country. He was satisfied that the revision of taxation which was aimed at would lead to great expenditure in many cases, and could not be made subservient to the general advantage of the community. He would therefore warn his friends at Wellingborough, who had done him the honour of entrusting him with their petition, not to be too sanguine in their expectation of any benefit they might desire from a general revision of taxation.

Petition ordered to lie on the table.

THE WEST INDIA COLONIES.

LORD BROUGHAM presented a petition from the Judges of the Supreme Court of Judicature, the Vice-Chancellor and Masters in Ordinary of the Court of Chancery, the Chairman of Quarter Sessions, and other Members of the Legal Profession of Jamaica. It was not his intention to enter into the subject of the petition, or make any statement with regard to the allegations contained in it; he would content himself by simply reading this important document to their Lordships. The noble and learned Lord then read the petition, which complained of the measure of 1846, in reference to the differential duties on sugar, as increasing the foreign slave trade; of the diminished value of property in the island, the impoverished state of the proprietors, and the generally depressed state of the country. It also stated, with regard to the demoralised condition of the population, that if the actual amount of crime in the colony had not greatly increased, yet that offences against the person, including violent breaches of the peace, had formed an alarmingly large proportion of the offences brought before the criminal courts; that the petitioners were afraid, from the complaints which were universally made, and their own observation, that the people were becoming daily less attentive to their religious duties, and were bringing up their children in habits of indolence, which must result in vice; that it was fearful to contemplate what would be the probable conduct of the future generation; and that without venturing to ascribe this unhappy state of things to any particular cause, and still less to point out the measures which might be best fitted to meet the exigency of the case, they had thought it right to submit to the House that which they believed to be an unexaggerated statement of facts, in the confident hope that their Lordships would speedily apply such a remedy as in their wisdom might seem to be requisite and necessary. The noble and learned Lord added, that differing as he did from the petitioners upon one branch of the subject—namely, the economical good which had sprung from the measure of 1846, yet that, as regarded the effects of that measure in increasing the foreign slave trade, he entirely concurred with them. It gave him the most heartfelt satisfaction to state that the recent operations on the coast of Africa, our negotiations with Brazil, and other circumstances fresh in the recollections of the House, led him to hope—and it was not a faint hope—that whilst we had on the one hand stimulated that execrable traffic, we had on the other hand, and with the aid of others, very effectually diminished it, if we have not paved the way for its total abolition.

Earl GREY said, he could never hear the statement which had just been made by his noble and learned Friend, with respect to the measures of 1846 and 1848, made in that House, without expressing his entire dissent from it; and whenever the question should be argued, he could show to demonstration that the effect of those measures had been to add to instead of diminishing the efficiency of the measures adopted by the squadron in repressing the slave trade. There was this striking fact in the papers on their Lordships' table, that, taking the five years before the admission of foreign sugar into the markets of this country, and taking the five years since, there had been a marked diminution in the amount of the slave trade; and there was still this more remarkable fact, that at this moment the planters of Cuba were so satisfied by what they saw going on, that free labour was cheaper than slave labour, that they were taking measures to introduce no fewer than 8,000 industrious Chinese free labourers. With respect to the statements in the petition of the state of distress in the Island of Jamaica, he did not suppose it was all overcharged. According to the best information he possessed, indeed, he believed that it was a correct description of the state of affairs; but he only wished that the conclusion of the petition, instead of being addressed to their Lordships, and calling upon them to provide a remedy for that state of things, had been addressed to the local Legislature, and had called upon them to adopt the many reforms which successive Governments had so long pressed upon their attention, which, up to this moment, they had so utterly neglected, and which were so urgently and so grievously required.

The Bishop of OXFORD said, he laboured under the same inability to remain silent after hearing the sentiments to which the noble Earl had just given utterance, as the noble Earl said he laboured under when he listened to the noble and learned Lord who presented the petition. He (the Bishop of Oxford) could never hear in that House the statement which the noble Earl had just made, without rising to enter his protest against it. He believed it was known that, on the economical view of the question, he agreed with the noble Earl, and that had the matter stood upon that view of the question alone he should have advocated the measure of 1846; but that, believing as he then believed, and as he now saw no reason to doubt that he had believed rightly, that the necessary effect of that Act would be to give a great stimulus to the Brazilian slave trade, he felt it his duty to raise the question out of the mere science of economics into a far higher atmosphere—the atmosphere of the highest national and moral considerations; and to show that, however right it might have been upon economic principles to introduce slave-grown sugar into this country, upon moral principles it was positively wrong. The noble Earl had endeavoured to draw from certain returns the inference that the effect of the Act of 1846 had not been to increase the slave trade; but he (the Bishop of Oxford) begged their Lordships to consider these facts, first, that it must have had the effect, and had been known to have had the effect, of promoting the production of sugar in the Brazils; next, that every hogshead of sugar so produced in Brazil must have been produced by slave labour; third, that the slaves who had furnished that labour must have been slaves, not bred in the country, but imported from Africa; for, whatever conclusions might be drawn by ingenious deductions from returns, a man must be able to show, either that the sugar was produced without hands, or that the hands that produced it were free, or that they had been bred in Brazil, before any ingenious deductions could ever tend to support the conclusions of the noble Earl. The noble Earl had referred to the present desire of the Cuban planters for free labour, and had attributed it strangely enough to the Act of 1846; when the plain and palpable reason, which could be seen by every eye as distinctly as the sun at noonday, was, that it was because of the unexampled success which had attended the brave and unwearied exertions of our cruisers on the coast of Africa, which had made it so difficult and expensive to introduce slaves; and because an apprehension was growing up that when this country took a great cause like that in hand it was impossible to frustrate our efforts: it was for these reasons and these reasons alone that the planters had found that their labour must be supplied otherwise than it had hitherto been. That, he maintained, was the plain and palpable explanation of the fact to which the noble Earl had referred; and he begged to enter once more his protest against any lower consideration being held in any degree to justify the retrogression of this great nation in the cause of justice upon which they had entered, when they set themselves to undo the last wrong to the African race by in every way discouraging the slave trade.

LORD BROUGHAM presented a petition from the College of Physicians and Surgeons in Jamaica, complaining of distress in the island, and from a body of men who, his Lordship said, well deserved the consideration of the Legislature, namely, from the Board of Council and the House of Assembly of the Island of Antigua, taking notice of a loan which had been granted by Her Majesty's Government soon after the earthquake in that island, and praying for further time for repayment of the same with interest. When he said that they in a particular manner deserved the respect and attention of their Lordships, it was on this ground, that the island of Antigua had the distinguished honour of having anticipated the Imperial Parliament, and of having alone emancipated the slaves, and put an end to the intermediate stage of apprenticeship. He had another petition to present from the same Island, complaining of the competition to which the free produce is subjected by the admission of slave sugar into the British market, and praying for relief. The petitioners set forth that they were utterly borne down by the unrighteous competition of slave-grown sugar, forced on them by the Act of 1846—that they had struggled to maintain the contest by making every exertion to introduce improvements into the mode of cultivation, and, at the same time, to lessen its cost, yet the depression of prices had reduced them to a state of embarrassment and despair. He (Lord Brougham) would to heaven their Lordships could see any chance of affording the petitioners effectual relief; but of this he was sure, that their past conduct well merited the respectful consideration of their Lordships.

The BISHOP of OXFORD presented a petition to the same effect from the inhabitants of British Guiana, which he said was numerously signed by all the leading people in the colony. The petitioners declared their conviction that the Sugar Act of 1846 had, besides ruining them, given a fresh stimulus to the slave trade, which tended to perpetuate slavery itself. They urged that the colony was brought to the verge of ruin, and prayed their Lordships to take these premises into their most serious consideration, and in their wisdom to take such measures as should arrest the further progress of their ruin.

The EARL of HARROWBY presented a similar petition from the inhabitants of Mauritius, praying also for the introduction of free labour into the colony; and another from St. Kitts, complaining, in addition, of the demoralisation which had arisen from the extreme impoverishment of the population. His Lordship said the subject was one which was well worthy the consideration of their Lordships, though he was not prepared to urge any particular measure upon their attention. In his opinion, the exclusion of slave-grown sugar would not meet the difficulty; for, unless they went further and excluded all foreign produce, whether slave or free, the difficulty of competition would remain where it was; and he was sure that public opinion would not allow them to go so far in the way of retrogression. If, however, Government could discover any means of removing the distress, either by an improvement of the laws for the regulation of labour, or by an encouragement of the introduction of free labour, or of an improved cultivation of the land, he should be glad to see it, for there was no subject which better deserved the attention of the Government and of the Legislature generally.

The EARL of DERBY said, that seeing the petitions which had been presented on this subject from various quarters, he thought it might be well to state that he had that day received, not indeed a petition, but a memorial addressed to himself from clergymen of all denominations in

Jamaica, bearing testimony not only to the distress which prevailed in the colony, but also to the retrogression of civilisation, the diminution of the means of education, and the relapsing into barbarism of a large portion of the population of the colony; and attributing this lamentable state of things in a great degree to that to which every one else attributed it, except the noble Earl opposite, namely, to the operation of the legislative enactment of 1846. That memorial was signed by the bishop, two archdeacons, and 69 clergymen of the Established Church; and by 83 ministers of different denominations, including Wesleyans, Baptists, Independents, and Roman Catholics; and its prayer was that Parliament would direct their attention to applying a remedy, which, he feared, in the present state of the public mind, was impracticable, though he believed it was the only effectual remedy, namely, that of stopping the progress of the reduction of differential duties which was now taking place. How far the public mind was prepared to take that step, it was not possible for him to say at the present moment; but he believed that whatever other alleviations might be given to the distress of the planters, there was none but that which could really and effectually place them upon a fair footing of competition with the produce of other countries, which, notwithstanding the opinion of the noble Earl opposite, he believed could produce sugar much cheaper by slave labour than it was possible the West Indian Colonies could do by free labour. He repeated that whatever other alleviations might be afforded to the distress of the planters, they could only be enabled effectually and permanently to meet the competition of foreign countries by some measure which should have the effect, if not of establishing the old differential duties, at least of preventing the further reduction of those which now subsisted between British and slave-grown sugar. At the same time, he confessed that, like the noble Earl on the cross benches (the Earl of Harrowby), he entertained great doubt whether the public mind in this country was prepared to sacrifice the economic interests which might be involved in such a proposition. He looked, however, with serious apprehension and the deepest sympathy to the present distress of these hitherto valuable possessions of the British Crown.

Earl GREY hoped he should be permitted to make a few observations in reply.

He would remind the noble Earl, although he had not the papers in his hand to refer to, that there were papers on their Lordships' table in abundance, which proved that the opinion which he had that day uttered, and which the noble Earl had said was held by him alone, was shared by the ablest officers who were employed under the Crown in the West Indies, and confirmed by the clear and positive facts which they stated. He begged to remind the noble Earl also, that it was established by statistical facts, that before the measure of 1846 came into operation, all those evils which were now complained of were in active existence; that the negroes were becoming idle, and falling back in civilisation and the like; and to what principal cause had that been attributed? It was attributed by every man who had looked into the state of the colonies to this simple reason, that the negroes had been relieved from the coercion to which they were formerly subjected, and that they were living in a country were there was an almost unlimited extent of fertile land open to them, where the climate did not render either fuel or clothing absolutely necessary to life; that wages were so enormously high as to enable them to live as well as they desired to live, upon the production of one or two days' labour in the fortnight; and that they had consequently no earthly motive to give a greater amount of labour in return for their subsistence. The demoralisation of the negroes and their disinclination to work, arising from this cause, commenced long before the Act of 1846. It dated from 1833, according to the statements of all the ablest officers who had been employed there, from 1833 down to the present time, including, among many others, Sir H. Light and Governor Barkly, who had both shown in their very able despatches, that the true cause of the mischief was the want of any adequate stimulus to labour on the part of the negroes from the manner in which the abolition of slavery was effected. That having been the real cause of the evil, what was the effect anticipated by those who proposed the measure of 1846? Simply, that the planters, who were compelled by competition with each other to give the very highest sum for labour which the price they obtained in the market for their sugar enabled them to offer, seeing that they must look for a lower price for their sugar, would lower the wages paid to the negroes, and that lower wages would impose the necessity for greater exertions on the part of the negroes. Therefore, as far as it went, that measure had had a tendency to prevent the evils complained of. In every one of the colonies there had been a material reduction of wages, which had been met, not by the negroes earning less than they did before, but by their doing more work for the same money. The consequence was, that the production of sugar in the British colonies, instead of being stopped, as had been predicted, by the measures of 1848, had since that time continued steadily to increase. This increase was shown by the triennial average; and it was still going on, since the return for 1851 showed an increase on the production of 1850 in every colony under the British flag. That was the way in which the predictions of 1846 had been realised. In the face of the facts, then, he was entitled to assert, and he did assert, that the evils which were complained of had not been enhanced by the Act of 1846. He begged further to add, that in 1833, when Parliament thought fit to emancipate the slaves, without taking any measures to correct those tendencies which subsequent events had amply realised, he, in the House of Commons, had openly expressed his conviction that those results would follow. Again, in 1838, when the Act was passed, which practically put an end to that most ill-judged and unwise system of apprenticeship, he did all in his power to call public attention to the consequences which he said must ensue, if this were done without, at the same time adopting other measures of prevention; and from that time to the present he had never ceased to press it upon the attention of Parliament and the Colonial Legislature. Again, when the population of Jamaica was thinned by the cholera, he, being then Secretary of State for the Colonies, was called on by the merchants and planters interested in Jamaica to adopt whatever measures might be calculated to mitigate the effect of that great calamity; and he then prepared a despatch, in which he went as completely as he could into the causes of the then existing state of things, and into the remedies to be applied. That despatch was communicated to persons in this country connected with Jamaica, and to the Association of West India merchants, who entirely concurred in the suggestions for improvement which it contained, and it was transmitted to the House of Assembly in Jamaica, with the recommendation that they should adopt those suggestions. From that day to this, however, not one of those remedial measures had been adopted by the local Legislature. The state of things in the West Indies was, therefore, not owing to the Act of 1846. It was rather attributable to the fact that the planters and merchants were looking after a shadow of protection which they could never grasp—that they were seeking a phantom—that they refused to shut their eyes to the fact that the days of monopoly were numbered. This was the reason why these perfectly practicable and perfectly feasible measures were utterly disregarded. The planters, in their vain search after protection, turned in disgust from those economic principles which the greatest statesmen of all ages had acknowledged to be sound, and the result was now before them, in the ruinous state to which these colonies were reduced. It was not to those then who were lately at the head of the Government that blame was to be attributed, it was rather to the present advisers of Her Majesty, who kept alive and fostered these vain and foolish hopes.

The Duke of NORTHUMBERLAND said, he wished to correct an inaccurate statement which had just been made by the noble Earl, with regard to the testimony of all the officers who had been employed there as to the causes of West India distress. He was bound in truth to say, that since he had been at the Admiralty, he had had an interview with the Earl of Dundonald, lately Commander-in-Chief on the Naval Station there, who had represented to him that the state of distress in which the West Indian Islands now were, as having been caused by the very law which had been the subject of conversation this evening. The noble Earl had also informed him, that in an interview which he had lately had at the Colonial Office, he had made the same representation.

Earl GREY said, that he had referred to officers in the civil service of the Crown as Governors, and not to those in military or naval command, whose attention could not be so much directed to the subject.

The Bishop of OXFORD felt to the full the extreme inconvenience of discussing a question of this nature in the incidental way in which it had come before their Lordships; yet he trusted that he might trespass upon their attention for a few moments while he noticed one or two of the noble Earl's statements. The noble Earl's argument was, that the real distress of our sugar colonies had in no way arisen from the Act of 1846, and that the demoralisation of the negro population was not to be traced to it; but that, on the contrary, it had tended to raise their condition. In the first place, the noble Earl's argument altogether turned on this one supposition, that it would be, under this new system, still the interest of the planters to employ negroes largely in the production of sugar; but if the planter should be unable to obtain such remunerative returns as to make it worth his while to employ them in the cultivation of sugar, then the argument fell altogether to the ground. They had not only had the evidence of merchants and planters, but of all the ministers of religion in the Colonies, and of other parties in the colonies who were capable of imputing valuable information on the subject, that the Act of 1846, as they then saw it working, instead of producing that wholesome effect upon the negro population, was reducing the whole people day by day, gradually, but rapidly, to a state of barbarism. The general impression which prevailed among capitalists, that it was impossible for free labour to compete with slave labour, had moreover let to large investments of money in Cuba and Brazil, so that every possible improvement in the machinery and manufacture was there introduced, while in our colonies they were utterly unable to obtain capital for a similar purpose. The consequence was, a greatly increased production in Cuba and Brazil. The consumption of that which was produced by slave labour must inevitably lead to increase the trade which supplied that labour. Thus did they undo with the one hand what they did with the other, if, when they attempted to prevent the slave trade on the coast of Africa, they stimulated the demand for slave labour by the increased consumption in this country of slave-grown sugar.

Earl GREY explained: What he had stated, and what he begged to repeat, was, that instead of there being a falling-off, the quantity of sugar produced in every one of our Colonies had, according to the triennial average, steadily increased, and that the production up to the 5th of April, 1851, showed an increase upon the production up to the same period of 1850.

The Earl of HARROWBY, in corroboration of the statement of the right rev. Prelate, relative to the increased production of Cuba and Brazil, referred to a series of statistics. From these it appeared, that in Cuba the average annual export of sugar for the four years from 1831 was 82,000 tons, and in the next four years it was 100,000 tons, in the next four years 124,000 tons, in the following four years 130,000 tons, in the last four years, up to 1850, 186,000 tons, and last year 235,000 tons. The production of Brazil had also increased very largely, but not in the same ratio. In the three years from 1842 it was 63,000 tons, in the three years following 87,000 tons, in the next three years, up to 1850, 103,000 tons, and last year 111,000 tons. In Jamaica, on the other hand, there had been a diminution upon every year, except 1850, since 1847. In 1847 the production was 37,000 tons; in 1848, 31,000 tons; in 1849, 31,000 tons; in 1850, 28,000 tons; and in 1851, 30,000 tons. The noble Earl (Earl Grey) treated the matter as if free labour could always compete with slave labour. With a dense population it could; but the case was different with a thin population of great inducement to idleness. As a proof of existence of distress in some of the West Indies, he would mention the circumstance of machinery being sent away from our islands to the Havannah, to be more profitably employed there.

Lord STANLEY of ALDERLEY observed, that since slave emancipation, the cultivation of beet root had greatly increased in different countries of Europe, for the purpose of making sugar; that tended to decrease the price of the latter article, and he thought that more stress was laid on the legislation of 1846, as depreciating the price of sugar, than was just.

Petitions ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 10, 1852.

Minutes.] Public Bills.—2° Appointment of Overseers; Woods, Forests, and Land Revenues.

3° Poor Law Board Continuance (Ireland); Trustees Act Extension.

SUPPLY.

Resolutions brought up.

On the 1st Vote, 10,000*l.* New Zealand,

Mr. CHISHOLM ANSTEY said, that he must again object that out of a sum of 10,000*l.* granted for New Zealand, nearly 1,500*l.* was appropriated to Church purposes.

MR. HUME said, he considered that he had reason to complain that the sum voted for the Colonies had, within the last few years, increased from 2,000,000*l.* to 4,000,000*l.* and there seemed to be no limit to the expense. He thought some course should be adopted to prevent any further increase of the expenditure; and that the Government should state what they intended to do with regard to it. He was ready to afford the Colonists protection in time of war, because it was the duty of the Government to protect the people who had gone out of the country under the protection of its laws; but, looking to the increase of expense, and the preposterous establishments that exist in some instances, he trusted Government would lay down, before next Session, some rules by which that expenditure would be regulated. They should lay down a rule by which the colonists themselves would regulate their affairs, and not demand more of this country than they had a right fairly to expect. When the system of responsible government was adopted more generally in the Colonies, he trusted that having by that means given satisfaction to the Colonists in that particular, they would remove in a great degree from the mother country the burdens that hitherto had so heavily pressed upon it. If the money were properly applied, he would not have so much objection to its being voted, but it had been wasted without producing the desired effect of benefiting the Colonies; on the contrary, it had done great injury by creating discontent. He would also beg to call attention to another point, and to offer a suggestion respecting it to the right hon. Gentleman the Chancellor of the Exchequer. The Treasury had pledged themselves to a large expenditure for the building of a fit and proper edifice for a national museum. He was anxious to see the establishment placed on a fit and proper footing. The right hon. Gentleman the Chancellor of the Exchequer was a Member of the Committee by whom the subject was considered three years ago; and the opinions expressed by the right hon. Gentleman on that occasion were not very different from those entertained by him (Mr. Hume). They should have such an establishment as would be fit for this country and its civilisation; they should take the lead in the fine arts, instead of following merely the example of the Continent; they should be second to none of the European nations in that respect, and should not think that any fair and proper expense that was incurred for the purpose was a burden upon them. The Committee had recommended the removal of the National Gallery from where it is to the neighbourhood of Kensington Gardens. He would venture to suggest whether Kensington Palace should not be entirely applied to the purpose, so as to form an establishment that would do credit to the country, as Hampton Court did; no establishment in the world could rival Hampton Court in the advantages it afforded to the community. The situation of Kensington Palace was good, and there was only one resident there, he believed, who had any claim on the Royal Family—the Duchess of Inverness. It might be converted into an establishment that would do credit to the country, as a place for the reception of national collections that would prove of advantage to every one. If such a building were provided, it would be an inducement to many persons to send there the collections they had made, and which in some instances could not be preserved by their families. Seeing the great interest that Her Majesty and Prince Albert had taken in every project that would promote the welfare of art in this country, he thought that if the subject were fairly brought under Her Majesty's consideration, She would willingly consent to the appropriation of the Palace to the purpose he had suggested.

The CHANCELLOR OF THE EXCHEQUER said, he was glad to hear from the hon. Gentleman the willingness which exits on his part to support any well-matured scheme for at last preparing some receptacle for the works of art possessed by the country. Any suggestion made by the hon. Gentleman was entitled to respect, because he had always exhibited the greatest liberality where the interests of the arts were concerned. The question of providing a proper receptacle for the reception of works of art, was exciting increased interest in the public mind, and the contributions which had been made by that late eminent artist, Mr. Turner, and other individuals, should alone be sufficient to force the subject upon the attention of the Government, even if the Government were not inclined to give it the attention which it deserved. The House, he thought, would agree with him that it was of the most critical importance that they should make no mistake in the next effort they embarked in of this kind. From the disposition of the country generally, and from other circumstances, there were reasons that did encourage them to hope that they might at last accomplish something that would be worthy of the country. The hon. Gentleman had referred to the great interest which Her Majesty and Prince Albert took in the subject; and he confessed himself that it was mainly through the great interest that was taken on the subject in that august quarter they were likely to achieve success. If the same taste and judgment that were called forth last year by the remarkable events that had occurred, with respect to the Exhibition of the Arts and Industry of all Nations, could be enlisted on this subject—if they could enlist, as he was sure they would be able to enlist, the same judgment, energy, and resources that were then brought into play, mainly through the influence and personal exertions of His Royal Highness Prince Albert, he felt they would have an additional chance of success in this great undertaking. It very much occupied the attention of Government, and, he believed he might be permitted also to say, of His Royal Highness; and he trusted, when the proper opportunity arrived, they should be able to lay before the House a plan that would meet the approbation of the House, and to which all the sympathies of the country would respond.

Mr. EWART, as a Member of the Commission appointed to inquire into the best site for the National Gallery, begged to state that the situation pointed out by the hon. Member (Mr. Hume)—the site of Kensington Palace—naturally first suggested itself to the Commission; but it was felt to be so peculiarly a subject for the Royal consideration that before any suggestion could be made with respect to it, the clear and unmistakeable feeling of Her Majesty upon it must be understood. Setting aside that, therefore, as a subject almost eliminated from their consideration, the Commission considered all the situations around, and it was their unanimous opinion that the best site would be to the north of Kensington Gardens, looking to the Uxbridge Road, and enclosing round the building such a portion of Kensington Gardens as might serve the purpose of an ornamental garden; because the Commissioners felt that the ground about a National Gallery should be of such a character as to be illustrative of the arts, and that there should be, as abroad, an ornamental garden with fountains and statues, and so arranged as to be a sort of introduction to the Gallery, and prepare the visitor for the contemplation of the objects there collected. There could not be more competent judges found than were on that Commission — such men as Sir Charles Eastlake, Lord Colborne, Sir Richard Westmacott, Mr. Uwins, and others; and they were unanimous that, supposing Kensington Palace was not within their view or range, the next best place was the north of Kensington Gardens. He (Mr. Ewart) agreed that if a receptacle were provided, contributions like those of Mr. Vernon and Mr. Turner would flow in, and the best pictures would be obtained. He had no doubt the Government would come to a fair conclusion upon the matter.

On the Vote 14,083*l*., Emigration.

Mr. HUME said, he must call attention to the fact that from all parts of the country they had applications from individuals who declared they were anxious to proceed to Australia, where labour is wanting, and to pay for their passage, if Government would make the necessary arrangements. Though no person could be more averse than he was to the application of public money to forward projects of this kind, he would put it to the right hon. Gentleman the Secretary for the Colonies whether, after the applications he had received, both from abroad and at home, this case might not be taken as an exception to what was the general rule in political economy. They had men among them who were anxious to be taken off the poor-rate, and who were desirous to maintain themselves and their families by their labour; they were deprived of the means of doing so by causes over which they had no control—the introduction of machinery had interfered with one class, and the introduction of produce from abroad had interfered with the employment of another class, and it was desirable that they should be enabled to emigrate. They might adopt with respect to them an arrangement similar to that which had been formerly adopted with reference to emigrants to North America: let the emigrants engage to refund at a subsequent period a portion of the expenses of their voyage, as had been done when the Government undertook to assist the emigrants to North America; and he might remark that such advances had been very seldom repudiated by the North American emigrants, or lost to the country. It was also a question whether the Government should not co-operate with the inhabitants of the parishes where those persons were resident, and each pay a part of the expense.

MR. GROGAN said, he wished to call attention to a letter which he had received on this subject from the Chairman of the Board of Guardians in Dublin, who had sent him a return of male and female paupers, all of whom were anxious to go to Australia. It appeared there were 200 young females, from fifteen to twenty-five years of age, who were described as being exceedingly well-conducted, and desirous to work if they had an opportunity of doing so.

MR. MONSELL said, he also begged leave to call the attention of the right hon. Gentleman the Secretary for the Colonies to the subject. He did not know whether the right hon. Gentleman had ever referred to the return which had been moved for by the Secretary for Ireland in the year 1850, by which it appeared that there were then in the workhouses of Ireland 18,000 females between the ages of fifteen and forty that had been in the workhouse for more than a year, and who, therefore, might be considered to have made it their permanent home. They were persons who had taken up their lodging there, and had as little idea of leaving it as the right hon. Gentleman had of leaving his own house. The attention of the Government should therefore be directed to the subject, both for the sake of the individuals themselves and of the ratepayers. A statement had been made by the right hon. Gentleman the other day with respect to complaints that had been made respecting the conduct of some of the female emigrants; but he (Mr. Monsell) thought that the right hon. Gentleman would confirm the statement which he (Mr. Monsell) would now make in reference to the general conduct of those emigrants; and he might refer in support of his statement to the letter of the Lieutenant Governor of Van Diemen's Land. It appeared that the best possible account had been received of those emigrants. He believed, however, that a large number of persons had been sent out from the Union of Belfast that should not have been sent out, and the character acquired by them had been attributed to the rest of those Irish emigrants. He should be much obliged to the right hon. Gentleman to say he could confirm the statement he (Mr. Monsell) now made, that the female emigrants sent from the Irish workhouses generally had given satisfaction.

SIR JOHN PAKINGTON said, he must express his regret that the hon. Member for Montrose (Mr. Hume) was not in his place when this subject was under consideration in Committee of Supply, because he thought the House must feel that their object now should be to get, as speedily as they could, into Supply, and he trusted it was the desire of the House to do so. He did not mean to show any disrespect to the hon. Gentleman by not entering at any length into the question before the House. He had stated over and over again the importance of this subject, and he had given repeated assurances that it was engaging the serious consideration of Her Majesty's Government. In reference to what had fallen from the hon. Gentleman who had just resumed his seat, he would observe that he had given an answer on this subject not long ago, in which he stated that the Irish proportion of emigrants was largely in advance of the proportion from the other parts of the Kingdom, but that, notwithstanding such was the case, they were still continuing the emigration from that country, and sending out as many as they could. As to the suggestion that had been made by the hon. Member for Montrose, with respect to the Government paying the expense of passage, and recovering subsequently from the emigrant a portion thereof, he begged to assure the hon. Gentleman that the Government would not lose sight of the importance of that subject; but he would remind him that the cost of sending emigrants to Australia would be much greater than the cost that had been incurred for sending emigrants to North America.

THE DIOCESE OF ROCHESTER.

SIR BENJAMIN HALL said, he had been requested by a right rev. Prelate to make a statement that would prevent the possibility of any misapprehension taking place in the public mind with respect to what had passed on the preceding day. The noble Lord the Member for Woodstock (the Marquess of Blandford) having moved the second reading of the Episcopal and Capitular Revenues Bill, he (Sir. B. Hall), after making one or two suggestions to the right hon. Gentleman the Secretary of State for the Home Department, said—

> " There was also another point to which he wished to direct attention, and that was with regard to the management and control of cathedral establishments. They were all governed by cer-

> tain statutes, which were passed for their management at the time of their foundation; and in almost every one of them it was provided that the bishop should take an oath that he would preserve those foundation statutes inviolable. One of these statutes was, that the bishop should hold at least a triennial visitation of his cathedral. It would be very difficult to show an instance where that statute had been carried out, although the bishop was bound by a solemn oath to perform it. Take the case of a cathedral which had lately been brought before the notice of the public—he alluded to the Cathedral of Rochester. Now, the bishop was bound by the statute to make a visitation of that cathedral once every three years. He had been informed that the bishop had never perperformed that visitation."—[3 *Hansard*, cxxii. 337-8.]

In consequence of that statement the Bishop of Rochester had done him the honour to call upon him, and to direct his attention to the report. The right rev. Prelate had admitted that he was right in his statements as to the non-visitation of the cathedral, which he admitted should have been done if he had acted according to the statutes, but he said it had been the custom not to do so, and that he had acted according to custom. There was reason to hope that the visitation of the cathedral would be made in future; but up to the present time the fact was, that the right rev. Prelate had visited the diocese, but he (Sir B. Hall) was right in stating that he had not visited the cathedral, although he was under a solemn obligation to do so.

POST-HORSE DUTY.

Order for Committee of Supply read; Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. T. DUNCOMBE said, he would refer to two authorities in support of the Motion he now brought forward, namely, the Report of a Committee which sat in 1838, and a statement made in 1840 by the right hon. Member for Portsmouth (Sir F. Baring) when Chancellor of the Exchequer. The right hon. Gentleman then said—

> "He also proposed a very small relief to a class of persons who, from no fault of their own, but from circumstances by which every other class of persons was benefited, were placed in a situation of considerable difficulty and distress—he meant the postmasters. They had represented to him that they were obliged to keep postchaises and carriages, on which they paid a heavy tax, but from which they derived little remuneration, and suggested, that if they were at liberty to keep different classes of carriages at a reduced rate of duty, they might, by opening fresh lines of trade, receive some compensation for the injuries they had sustained. The tax now upon hack chaises was 4*l.* 5*s.*, upon pair-horse carriages, 5*l.* 5*s.*; upon four-wheeled carriages, 4*l.* 10*s.*; and upon two-wheeled carriages, 3*l.* 5*s.*, all of which he proposed to reduce to 3*l.*"—[3 *Hansard*, liv. 129.]

In consequence of some blunder in the Act of Parliament whereby this reduction was to take place, the tax, instead of being reduced, was positively aggravated; and the postmasters, instead of paying five guineas, as heretofore, or 3*l.*, as proposed by the right hon. Member for Portsmouth, paid at this moment 6*l.* 12*s.* They thought the case a hard one, and asked the House to rectify the blunder committed in 1840. He had a letter from the postmaster who kept the Hen and Chickens, at Manchester, complaining that he had been greatly injured by the operation of the Act. He (Mr. T. Duncombe) had waited with a deputation on the right hon. Gentleman the Chancellor of the Exchequer, who had heard their statement very kindly. The Budget had since been brought forward, but no relief was proposed in it, and the postmasters asked whether a short Bill could not be introduced to give them relief. There was another thing of which the postmasters, who numbered at present about 14,000, complained, namely, the cost of the *espionage* on the part of the Excise. They proposed that an annual duty of 10*l.* should be paid for annual licences to be granted them. The present amount of tax levied on them produced from 160,000*l.* to 170,000*l.*; while the duty of 10*l.* would yield 140,000*l.* or 150,000*l.*; thus there would be a deficit of only about 20,000*l.* That would be a concession and a compromise into which all parties might readily enter. He wished briefly to refer to the case of Mr. Shillibeer, who had been twice in conflict with the late Government in consequence of informations laid by the Excise. The hon. and learned Attorney General stated that the Crown never received or paid costs. On the first occasion Mr. Shillibeer defeated the prosecution. He paid his own costs, and the Crown paid theirs. On the second occasion twenty informations were laid against Mr. Shillibeer for certain omissions in his return, and for an alleged false return. The jury found for the Crown only on the last charge. The Crown sent in a Bill of costs amounting to 600*l.*, which were reduced by 165*l.*; but it would give great satisfaction to Mr. Shillibeer to hear the statement of the Attorney General on the subject; and as the hon. and learned Gentleman had stated that the Crown neither received or paid costs, probably he would put Mr. Shillibeer in the way of obtaining repayment, though it was not very easy to make the Crown refund. He (Mr. T. Duncombe) would ask the right hon. Chancellor of the Exchequer whether it would not be advisable to adopt the proposition of a 10*l.* duty, or at least to repair the blunder in the Act of his (Mr. T. Duncombe's) right hon. Friend? This was not a metropolitan question at all. It affected rural districts fully more; and about 300 petitions had been sent by postmasters and persons who let carriages for hire in favour of measures for their relief.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House do resolve itself into a Committee on the Post Horse Duty and Tax on Carriages let for hire, with a view to a modification of the same;' instead thereof."

The CHANCELLOR OF THE EXCHEQUER said, it was very true that he had the honour of receiving a deputation from the postmasters of the country in the presence of the hon. Member for Finsbury, who did full justice to the interests of his constituents. That was a deputation that did not merely profess to represent the postmasters of the metropolis, but professed to represent the general trade throughout the country. He must admit, that with very great ability they had brought forward the scheme of finance by which they sought to get relief; they declared that no material injury would thereby be done to the revenue; but his (the Chancellor's) opinion was, that in all schemes of that kind which were devised by a suffering interest, the relief was more certain than the security to the revenue. There was one point which the hon. Gentleman had forgotten—namely, the main ground on which those individuals had applied to him. The main ground on which the appeal for relief was founded, was the common opinion that was prevalent, that the Chancellor of the Exchequer was in possession of a very large surplus. There was supposed to be a surplus of more than 2,000,000*l.*, and the postmasters thought they were consequently entitled to get relief. Unfortunately it was not in his power, at the time they had waited upon him, to tell them the exact state of the case; but he had said nothing to induce them to believe he would give them relief; and being men of sense, and a class peculiarly interested in maintaining the national credit, they must see, after the financial statement had been made, that they had no claim, so far as a great surplus was concerned, to the relief they sought. They might have a claim for that relief, of course, on abstract grounds. The hon. Gentleman had brought forward a scheme, which was, in fact, a financial proposition, that would no doubt affect their existing arrangements; and under these circumstances, and remembering the period of the year, and that the state of the finances were now known to the country, the hon. Gentleman could scarcely ask the House to come to a decision upon the subject. He would say to him now what he had said to the deputation of postmasters—that he would examine their case, and if he thought there was any great inequality or injustice in the tax, he should see if it could be remedied. He was willing to admit there was one cause of complaint—namely, with respect to the tax upon carriages let out for hire. It appeared to him that was a case which, when opportunity offered, should be considered. At the present period it would be extremely inconvenient to pass any resolution of this kind; but if it were his fortune again to bring forward the financial statement of the country, he should give every claim that was brought forward impartial consideration.

SIR GEORGE PECHELL said, he was fully aware of the hardship of the tax to which the postmasters were subjected, and his hope was, that the right hon. Gentleman would, in the next Parliament, be able to bring forward a proposition for their relief.

MR. SPOONER said, he was satisfied that the hon. Member for Finsbury (Mr. T. Duncombe) did not wish anything but justice done. One fact was clear; the right hon. Member for Portsmouth (Sir F. Baring) had intended to pass a measure for the relief of the postmasters; but that measure had unfortunately had just the reverse effect from that which the right hon. Gentleman the Chancellor of the Exchequer attributed to such schemes as had been suggested by the postmasters. The relief to them had been by no means certain; the benefit to the revenue had been quite certain. If the intention of the right hon. Member for Portsmouth were carried out, the postmasters would, he thought, be satisfied. It was a strict question of justice.

Lord DUDLEY STUART said, he hoped the postmasters would obtain that amount of relief which they were on all grounds of equity and justice fairly entitled to. He thought if the proposition of the hon. Member (Mr. T. Duncombe) was adopted, the loss to the revenue would be small, and the relief to the postmasters very great. There was one point to which he wished to call the attention of the House. There was a Bill before the House called the Metropolis Burial Bill. One of the greatest difficulties experienced in introducing Burial Bills was to devise means whereby the poorer classes could have their relatives buried decently at a small expense. If anything could be done by legislation to facilitate that object, a great good would be done. A general desire existed to cheapen the cost of funerals, and that desire might be partly accomplished by taking off the duty on carriages employed at funerals.

Mr. SLANEY had been requested by his constituents in Shrewsbury to support the proposition of the hon. Member for Finsbury; and, after the statement of the hon. Gentleman, and the answer of the right hon. Chancellor of the Exchequer, he hoped the subject would be duly considered with a view to the redress of a grievance which he conceived to exist, and which might be removed without much difficulty.

Mr. FREWEN would suggest that all carriages carrying mails should be free from the duty to which they were liable if they carried passengers. This, he believed, would confer an advantage on the public, without decreasing the revenue, for what the Government would lose in the way of duty, the Post Office would save in the expense of carrying the mails, which cost that establishment about 10*l.* per mile per annum.

Viscount EBRINGTON begged to call the attention of the right hon. Chancellor of the Exchequer to the effect of the duty upon the carriages employed in funerals. It was desirable to take the dead from amongst the living, and the Government should encourage every facility that was offered for the purpose.

Captain SCOBELL hoped the right hon. Gentleman the Chancellor of the Exchequer would not take a partial view of the subject, but would consider it upon the broad scale of taking off the duty altogether. Its pressure was severely felt in the city he represented.

Mr. T. DUNCOMBE said, he believed his right hon. Friend opposite sincere and honest in his intentions. He had not stated that he would bring forward a proposition on the subject in November, but that in some future Budget he hoped to be able to deal with it, so that the undertaking of the right hon. Gentleman was somewhat vague, and a vote on a question of this kind would go to strengthen his hands, and the hands of any other Chancellor of the Exchequer. It might be asked what the right hon. Member for Portsmouth had to state. The silence of his right hon. Friend gave consent to all he (Mr. T. Duncombe) had said.

Sir FRANCIS BARING said, that silence by no means gave consent. [Mr. T. Duncombe: Remember your speech.] Yes! he remembered the proposal made in 1840; but he never heard a complaint that the postmasters were in a worse position than before. But there was one thing he was ready to recommend to the right hon. Gentleman the Chancellor of the Exchequer—that if the parties thought they were worse than before, they should be put back as they were before.

Mr. J. WILLIAMS said, that the right hon. Chancellor of the Exchequer must know there was no class so oppressed with taxes as the licensed victuallers and postmasters.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 94; Noes 43: Majority 51.

Question again proposed.

NAVAL RESERVE.

Sir FRANCIS BARING said, he wished to hear something from the Government respecting the sum that had been voted for the Naval Reserve. In the Estimates laid upon the table a sum was included for the purpose of forming a Naval Reserve. But two days ago, in answer to a question that had been put by a gallant Officer, they were told that the Admiralty had abandoned that scheme, and would not carry it into effect. There was a sum of 38,000*l.* specially voted for the purpose of that Naval Reserve, and he would wish to know what course the Government intended to take with regard to that sum of 38,000*l.* Was it intended to use that sum to keep up a larger force than had been voted? That was a question proper to be ascertained; for if the sum that had been voted was not sufficient, the Government should apply to the House, and let the necessary sum be voted. Looking to the amount of the force now employed, he was very much afraid that it would exceed the Vote, and that the Estimates, as framed by himself, would not be sufficient for the public service if they went on to the extent they were now going on. There had been an Estimate with respect to the amount of expenditure and the Vote of men, made up by the Accountant General, upon whose character every one who knew him would place the greatest reliance—and there was found to be a considerable surplus of the amount voted, after expending the amount necessary for the Vote of men—but he was now surprised to find that there was no surplus at all, and he understood that the entire amount of the Vote was expended. If that expenditure were to go on, there must be a considerable deficiency at the end of the year, and he should be glad to have a statement from the Government on the subject, if such statement could be made without inconvenience to the public service.

The CHANCELLOR of the EXCHEQUER said, there would be no inconvenience to the public service in replying to the right hon. Gentleman with as much frankness as he had used in putting the question. He perfectly agreed in the opinion expressed by the right hon. Gentleman with respect to the Accountant General, who was as highly appreciated by the present as by the late Government, and it was under his advice and guidance they had acted. There was no foundation whatever for the idea—as far as he had heard, and of course he would have heard it if there was—that the rate of expenditure had exceeded that which it ought to be, according to the Estimates which Her Majesty's Government had adopted. He had no reason for believing that the Estimates which they had adopted from their predecessors would be at all exceeded, so far as he could judge from the rate of expenditure now adopted. As to the question of the Naval Reserve, it was not proceeded with by the present Administration, for certain reasons which swayed them; but it was not desirable at present to enter into any debate on the question. The answer that they had not exceeded the Estimates was an answer also to the observation of the right hon. Gentleman with respect to the transfer of the sum of 38,000*l.* If the Government had even required assistance, they never could think of applying the sum voted for another object when they did not think it necessary to accomplish the object for which it was voted; therefore the 38,000*l.* remained untouched. Although the Estimate framed by the late Administration, and adopted by the present, was an Estimate, in their opinion, framed upon a sound principle, and though the force supplied by that Estimate and by the Vote of the House was perfectly sufficient for all purposes of defence, yet there had been recently new demands rising up, in consequence of the extraordinary discoveries in a distant Colony, and it was very difficult, indeed, for the Admiralty to answer these demands. If, on further consideration, they should find it their duty to ask for some slight increase of the force, they would lay the circumstances before the House without the slightest reserve, and ask their opinion; and he was confident, when they heard the details, they would not, perhaps, differ from the opinion which the Government had adopted. This demand, however, had nothing to do with any general increase of expenditure, or any deficiency in the Estimate which the Government had adopted. It arose entirely from the urgent and earnest demand that had been made upon the Admiralty, in consequence of the transactions that had occurred in the Pacific, and especially connected with the gold discoveries in that quarter of the globe.

Sir FRANCIS BARING said, the right hon. Gentleman had not answerered the most particular part of his question, and probably the hon. Secretary of the Admiralty would answer it, namely, had the Vote for last year been exceeded?

Mr. STAFFORD: No.

The CHANCELLOR of the EXCHEQUER thought he had distinctly stated that the rate of expenditure did not exceed the Estimate.

Question again proposed.

SUPPLY.

House in Committee of Supply; Mr. Bernal in the Chair.

(1.) Question proposed—

> "That a sum, not exceeding 4,469*l.*, be granted to Her Majesty, to pay, to the 31st day of March, 1853, Miscellaneous Allowances, formerly defrayed from the Civil List, the Hereditary Revenue, &c., and for which no permanent provision has been made by Parliament."

Mr. CHISHOLM ANSTEY said, he should move that the Vote be reduced to 2,669*l.* by the omission of the following items: Poor French refugee clergy, 700*l.*;

Poor French refugee laity, 300*l.*; charitable and other allowances formerly paid from the Civil List, 175*l.*; the Bishop of Sodor and Man, to be distributed among the incumbents and schoolmasters of the Isle of Man, 89*l.* 9*s.*; the College of St. David's, Lampeter, in aid of the expenditure of the College, 400*l.*; the Bishop of Chester, for stipends of two preachers in Lancashire, 92*l.* 16*s.*; minister of the Gaelic church at Cromarty, stipend, 100*l.* He would now call attention to a paper moved for by the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis), with reference to the Colonial Church, and which contained a reply of Earl Grey to a demand for a grant of money for a church at Hong-Kong, in which he stated that it was evident that such efforts for the establishment of church accommodation had not been made in that Colony by members of the Church of England as had been made by members of other denominations, and expressed a hope that the Government would apply the opinion inculcated in that despatch to the Vote now proposed. With regard to the Vote for St. David's College, Lampeter, he had been accused of having, on a former occasion, stated all kinds of things by persons who were advocates for voluntaryism in every thing except that which concerned the Principality to which they belonged. He had been blamed for having repeated a phrase which was used by the Archdeacon of Cardigan, in a letter to the *Times*, to the effect that St. David's College was "the slaughterhouse of the rising intellect of Wales." He would now state certain details relating to the condition of the College. Its income for the two years ending March, 1829, showed a surplus balance, including the Parliamentary grant, of 1,591*l.* From 1829 to 1833, there was a surplus of 994*l.*; and from 1833 to 1839, a surplus of 823*l.*; making a total surplus in the ten years of 3,408*l.*: and yet in each year a grant of 400*l.* had been demanded from Parliament, and even, according to the statement of Dr. Ollivant, there had since been a great increase in the income. Then as regarded the state of education in the College. The hon. Member for Macclesfield (Mr. J. Williams), on a former occasion, had excepted to his (Mr. C. Anstey's) statement, and said that the College had sent out some of the first clergymen in Wales. But that fact did not mitigate against his statement, for he maintained that the College generally, although at times it had been in a better condition, was now on the decline. Although it was provided by the charter, and was a condition of the endowment of the College, that a professorship of Welsh should be maintained, yet it had not been done for years. There had not been for some years, however, a lecturer on the Welsh language. A few years ago a lecturer was appointed, who was afterwards dismissed for incompetency, and his duties were now performed by an officer called the assistant tutor, who was not provided for by the Charter. He had two livings some miles from the College, and in order to attend these he was obliged to discontinue the week-day services in his churches. That was not a fair compliance with the Charter, which set forth that the College was established for the maintenance of the current Welsh literature. Then as to the condition of the students. Dr. Ollivant, the Bishop of Llandaff, in his last charge to his clergy, stated that there were 256 churches in his diocese, but he could only get clergymen to read the service in Welsh in 100 of them. Dr. Ollivant, the Bishop of Llandaff, and Dr. Thirlwall, the Bishop of St. David's, had made a regulation that Dissenters who were willing to receive Orders in the Church of England, should, on the certificate of a bishop that they could speak Welsh, after a short probation, be ordained. The College could not supply clergymen who spoke the Welsh language. It appeared that the present Principal of the College (Dr. Llewellyn) was so little acquainted with Welsh that he made himself ridiculous in speaking it. That in a speech, intending to speak of himself as a child or son, he used a term which meant fat, chubby (or dumpy) boy; and not having at command the Welsh synonyms for "yield" and "disturbance," he had to use those English words. As to the Vice-Principal, he did not pretend to speak Welsh at all. The candidates for ordination of late years had been so deplorably ignorant of Welsh when they left the College, that in some cases they were refused ordination; and in all cases the exercises tendered to the Bishops of St. David's and Llandaff were returned to the College as specimens of the disgraceful state of education carried on within its walls. Many of those who obtained ordination had their exercises written by Dissenting ministers, and sermons written by Dissenting ministers had been preached by clergymen of the Church of England. Notwithstanding all this, Dr. Ollivant and the College entertained feelings of great hostility to the Dissenters. Again, a return moved for by the hon. Member for Macclesfield (Mr. J. Williams) had been refused, because it was said that it was not practicable that the information he required could be given. The passages in the proposed return which had been struck out related to the intended arrangements—the income and expenditure of the College, the benefactions to it—the officers who had been appointed, and the periods of their residence, the value of the preferments held by them, and the distances which they were from the College, besides the names of the persons on whom scholarships, exhibitions, and prizes had been bestowed. The College authorities had declined to give any return on those points; and the Government, at the instance of the Ecclesiastical Commissioners, had refused the return. All those were facts which showed a strong case of what some might call suspicion, but what he (Mr. C. Anstey) would call fraud on the part of some or other of those who asked for the continuance of this grant.

(1.) Question proposed—

"That a sum, not exceeding 2,669*l.*, be granted to Her Majesty, to pay, to the 31st day of March, 1853, Miscellaneous Allowances, formerly defrayed from the Civil List, the Hereditary Revenue, &c. and for which no permanent provision has been made by Parliament."

MR. G. A. HAMILTON said, he would beg to offer a few explanations to the Committee on the different items to which the hon. and learned Member had objected in this Vote. If the hon. and learned Member were to refer to the appendix to the Report of the Committee on Miscellaneous Expenditure, over which the right hon. Gentleman the Member for Northampton (Mr. V. Smith) had so ably presided, he would find all the points to which he had alluded very fully explained there; and from that Report he (Mr. G. A. Hamilton) had derived any information he had to communicate to the Committee. With respect to the Vote to the French Protestant refugees, he found that he had fallen into a mistake in the statement he had made upon that subject on a former day. He had said that he had believed that Vote had taken its rise in the assistance given to the refugees from France at the time of the French revolution. But it appeared that the Vote had, in reality, had its origin at a much earlier period. The fact was, that the allowance had first been made to the French refugees who had passed over to this country at the time of the revocation of the Edict of Nantes. And the Committee should recollect that it was to those refugees this country owed the establishment of the silk manufactory in Spitalfields. There were some places of worship in this country at present dependent on that Vote, and among them a place of worship for the French at Canterbury. In his opinion the withdrawal of such a Vote would be attended with much hardship and injustice. Then there was the grant to the Bishop of Sodor and Man. That was a grant which had originally been made by Charles II. on account of the poverty of the clergy of the Isle of Man; and the claim on the liberality of Parliament in that case was one which, in his opinion, ought not to be lightly disallowed. The third Vote to which the hon. and learned Gentleman had referred, was that for the Lancashire preachers. That vote owed its origin to a grant made so far back as the reign of Elisabeth for four preachers, who had to be paid at that time out of the Crown Revenue. But the grant to two of those preachers had been discontinued, and the grant to the other two was to cease on the demise of the present recipients, in conformity with a suggestion of the Committee on Miscellaneous Expenditure. The next grant of which the hon. and learned Gentleman had complained, was that to Cromarty church. It appeared that a private individual had made over to the Crown the presentation to that church, on the condition of the Crown granting to the holder of the living a sum of 50*l.* a year; and that allowance having been found inadequate, it had been increased in the year 1808 by George III., by a grant of meal and other provisions, which were paid for out of the hereditary revenues of the Crown; but since those revenues had been surrendered, a sum of 100*l.* was voted out of the public funds as an equivalent for the allowance of provisions. With respect to the question relating to the College of St. David's, he had to observe, that that question had been so fully discussed by Gentlemen well acquainted with the state of Wales, and with all the facts of the case, that he felt it would be unwise and unnecessary for him to attempt to offer any explanations upon the subject. He had only to say, that before the Vote had been demanded, certificates on which it was founded had been given by the Bishop of the diocese and by the heads of the College; and these certificates afforded, as he (Mr. G. A. Hamilton) believed, sufficient evidence that there must be some mistake in the allegations of the hon. and learned Gentleman with reference to the amount of the revenues at present belonging to that establishment.

Mr. BOOKER said, that he had heard with much surprise the statements of the hon. and learned Member for Youghal with respect to the College of St. David's—a surprise, however, which would have been enhanced tenfold if he had not been acquainted with the course which the hon. and learned Gentleman had of late pursued on every question relating to the Established Church. The hon. and learned Member had opposed the grant to the College on the grounds that fraudulent returns had been made by the heads of the College, that the education given in the College was insufficient, and that the heads of the establishment were grossly neglectful, and unequal to their duty. Now, as a resident for thirty years in the Principality, he (Mr. Booker) could undertake to bear his unequivocal testimony in opposition to the charge of inefficiency and mismanagement which the hon. and learned Gentleman had brought forward against the heads of the College. The hon. and learned Gentleman had quoted the statement of the Archdeacon of Cardigan, that the College had been a blight and a curse on the spiritual and intellectual energies of the Principality, and a slaughterhouse of the rising talent of his country. But it should be remembered, that, after the publication of that statement, a meeting of residents in the Principality had been held, in which a resolution had been adopted to the effect that the statement was entirely groundless, and that the College had already conferred great benefits on the Church in South Wales. Then, again, the examiners of the College, who had been appointed by the Vice-Chancellors of the Universities of Oxford and Cambridge, and who were among the most learned men in the University, had signed a document expressing their dissent from the opinion of the Archdeacon of Cardigan, and their belief in the useful and efficient manner in which the College was conducted. The hon. and learned Gentleman had attempted to show that the Principal of the College (the learned Dr. Llewellyn) was himself but imperfectly acquainted with the Welsh language. But he (Mr. Booker) had received a letter from the Vice-Principal of the College (the Rev. R. Williams)—and a more talented, learned, and exemplary man the Established Church could not boast of—in which it was stated that Dr. Llewellyn was allowed by all competent judges to be a thorough master, not only of the Welsh language, but of its different dialects, and in which the learned writer complained of the disingenuous attempt made to prove Dr. Llewellyn's ignorance of that language, by translating literally into English a word which could not be so translated without a violation of the spirit of the Welsh language. With regard to the College not producing eminent men, Dr. Ollivant, the present Bishop of Llandaff, who was one of his (Mr. Booker's) nearest neighbours, had recently held the office of Vice-Principal of the College, and, having been transferred from that office to the divinity chair in Cambridge, he had next been selected to preside over the See of Llandaff; and he (Mr. Booker) would undertake to say that a more learned, able, and zealous individual did not adorn the episcopal bench. The hon. and learned Gentleman had stated that a fraud must have been committed by the heads of the College in making returns of their revenues. But he (Mr. Booker) had reason to believe that that charge was utterly unfounded. There might be a difference of opinion as to whether the returns had been furnished in the best and most convenient form; but there was no reason whatever to suppose that they had been falsified. He had only to state, in conclusion, that after having resided so long in the Principality, and after having been a witness of the great good which that College effected, he felt that he should not have discharged his duty if he had not come forward to repel the allegations which had been so recklessly made by the hon. and learned Member for Youghal.

Sir BENJAMIN HALL said, he believed he was as well acquainted with the Principality as his hon. Friend who had just addressed the Committee; and having paid a great deal of attention to the subject of St. David's College, he should say he believed that the allegations made in that case by the hon. and learned Member for Youghal (Mr. C. Anstey) were substantially correct. The allegations were borne out also by statements made by the Archdeacon of Cardigan, one of the most distinguished literary men of the present day, who had been rector of the High School of Edinburgh. He (Sir B. Hall) believed that anything coming from such a quarter with respect to the state of any College had very strong claims to public credit. For his part, he felt convinced that the College of St. David's was not by any means an efficient establishment—he would not say more, because he did not wish to raise an angry discussion upon the subject. With respect to the returns to which his hon. Friend (Mr. Booker) had referred, he (Sir B. Hall) should say that he defied the heads of the College to enter into full particulars in their returns, without showing that there had been great misconduct in the management of the establishment. The object for which the College had been founded had been that it should conduce to the efficient training and education of ministers to serve in the Established Church in Wales; but there was every reason to believe that that object had not been attained. He would state a fact bearing upon that point. In the month of October, 1850, a few students had been sent to the Bishop of Llandaff from the College, for ordination; and when they had been examined in the Welsh language, the exercises of some of them were so bad, and of so illiterate a character, that those exercises had been sent back as specimens to the Principal of the College; and he believed that a similar fact had occurred in the case of students sent for ordination to the Bishop of St. David's. Such facts showed that the management of the College was most unsatisfactory and imperfect. He would call the attention of the Committee to a circumstance which would show the proper mode of conducting such an establishment. The Roman Catholics—alive as they had always shown themselves to the spiritual wants of those whom they hoped in any way to influence—had established a Jesuit college in North Wales; and so careful were they in educating young men there for their ministry, that they would not allow any individual to leave the college to preach the Word of God in Welsh to the people, who was not perfectly conversant with the language of the Welsh people, among whom he was to become a spiritual teacher. His (Sir B. Hall's) desire was to make the College of St. David's a means of teaching the Welsh language truly and efficiently to young men who were to become ministers in Wales; and to that language he should observe that the Welsh people clung with passionate devotion. He (Sir B. Hall) was not as conversant with the Welsh language as, he admitted, he should be; but he understood from several of the most excellent Welsh scholars the translation referred to was perfectly correct, and that, ridiculous as it was, it was a perfect and true translation of that speech. It was perfectly ridiculous to put a person at the head of such an establishment who could make use of such foolish language, bringing his offices into contempt, as a justice, a clergyman of the Church, and as head of a College. He said, after speaking of a public-house disturbance, "I will not yield a thing to them; yea, I will lose the last drop of my heart's blood before I yield to them. I never yielded to any one since I was a dumpy chap, and so sure as I am a living man I will not yield to them, if I lose my life." Was that, he asked, the sort of language that should be used by an individual in this gentleman's position? But to revert to the real question at issue. How had St. David's College been managed for the last twenty years; and what claim had the authorities to a continuation of the Government grant? It was useless for hon. Members to fancy that their assertions of good management, and proper and just appropriation, would suffice to satisfy the public mind, when the results were known to be so very unsatisfactory, and the objects for which that grant was bestowed had so entirely failed that the College was only half filled, and those educated there did not obtain instruction to fit them to become efficient Welsh ministers of the Established Church, which was only half served—as the bishops themselves admitted—because there was such a very small supply of clergymen properly qualified in the Welsh language. The only way to test this question was to insist on the returns moved for by the hon. Member for Macclesfield, and which the authorities of the College had refused to give—which was certainly a very extraordinary circumstance if they could prove all that was asserted by the champions of the College. Let the returns be made in all their details, as demanded, and the question would be set at rest one way or the other.

LORD EMLYN said, he would admit that the Archdeacon of Cardigan was an excellent classical scholar, but there were circumstances which made his opinion respecting this College of less authority. He would suggest that the Government should pay due attention to this subject, and place the College on a better foundation; and he trusted that the hon. Member for Marylebone (Sir B. Hall) would unite with the friends of the establishment in an endeavour to render it more beneficial in the training of the clergy of the Principality.

Mr. BOOKER begged to say that he had had a communication with the Bishop of Llandaff on the subject of the ordinations to which the hon. Baronet (Sir B. Hall) had referred: and he could assure the hon. Baronet that that right rev. Prelate had told him that no candidates were presented to him that he might not with perfect fairness have passed, but it was because he had been Vice-Principal of the College that he was able to detect some little inaccuracies.

Mr. LOVEDEN said, he thought it was most extraordinary, if those abuses did exist in the College of St. David's, that they had never heard of them from any person educated there.

Mr. CHISHOLM ANSTEY said, he was perfectly aware of the protest which had been referred to by the hon. Member for Herefordshire (Mr. Booker). It contained the names of forty-two incumbents and two curates; most of these individuals had actually no knowledge whatever of the proceedings in the College, others were quite incompetent to judge on the subject, while some were especially interested in upholding the authorities; and it was handed about at the visitation of one of the bishops, when the clergy were informed "the bishop wished them to sign it."

Mr. J. WILLIAMS said, that if the authorities of the College had only agreed to make the returns for which he had moved two years ago, this unfortunate discussion would have been prevented. After a trial of twenty-six years, and the expenditure of 6,000*l.* in the erection of buildings, and of 10,000*l.* towards the support of the College, they were certainly entitled to ask for the returns. St. David's College, Lampeter, was opened in 1827, avowedly for the purpose of clerical education, for the supply of clergymen well qualified for the ministry of the Established Church in Wales. The cost of the structure was defrayed partly by subscriptions collected during a course of twenty years, from the poor Welsh clergy and others, and partly by grants of public money, amounting to 6,000*l.* The College possesses a Royal Charter, which appointed a Principal and certain Professors—among which a Welsh Professor was particularly specified—with power to add to their number. It was endowed by virtue of an Act of Parliament, by which His Majesty, George IV., was enabled to transfer to the College the patronage of six benefices—three of them sinecures—to be annexed to the professorships, and held in trust by the Professors during their continuance in their official situations. And a sum of 400*l.* a year was in 1826 granted out of the public funds for the support of the College until the above benefices became vacant, or until the means at the disposal of the College were above 550*l.* per annum, which sum of 400*l.* a year, there is reason to believe, has been regularly paid ever since, making a total of nearly 10,000*l.* of public money paid to the College authorities up to the present time. It is well known that every institution receiving public money is responsible to the Commons House of Parliament for the use or abuse of such a grant. But, nevertheless, it is a fact that no return of the revenue of the College of St. David's has ever been published since its opening in 1827. And the constant complaint of the authorities of want of funds has been promulgated to such an extent, that they have managed to obtain very large sums of money by private subscriptions from parties apparently ignorant of the real available means of the establishment; and so bold did the authorities become by their success in asking charity, that even a very few months ago a letter appeared in the *Times*, signed "Ucalegon," which alluded to an advertisement in the same paper, in favour of the College, and was evidently written by authority, blaming the Ecclesiastical Commissioners for their wilful inattention to the grievous pecuniary wants of the College, and virtually charging them with a breach of duty. About the same time a printed document was circulated by the post, entitled *Suggestions*, declaring that farther endowments were necessary to enable the College to carry out the objects for which it was originally founded, and saying that those assertions were promulgated under the approval of the College authorities. It was not his intention to take up the time of the House at the present moment with details respecting the management of the authorities of Lampeter College after a trial of twenty-four years, in effecting the purpose for which six good Welsh grammar schools, six benefices, 6,000*l.* of public money, for its erection, and nearly 10,000*l.* more of public money for its subsequent support have been sacrificed! and the failure of which he had it in his power to prove upon undeniable evidence; but he should confine himself to the immediate object before the Committee, namely, to obtain an official return of all the receipts and expenditure of the College from its commencement to the present time. This return is imperatively needed, in proof of which he need only state that it is believed the whole of the following six benefices, namely, the sinecure rectories of—

Llanddewi Velfrey,	nett annual value,		200*l.*
Llangeler	"	"	244*l.*
Nangle	"	"	157*l.*

And the vicarages of—

Llangoedmore	"	"	329*l.*
Llanedy	"	"	258*l.*
St. Peter's, Carmarthen		"	176*l.*
		Total,	1,364*l.*

Have fallen in to the College, which ought to produce, after paying the curates' stipends, a permanent income of 900*l.* per annum. Besides this, the contingent income derived from the students has amounted, on an average, to at least 1,600*l.*, at the very lowest computation; while at the same time a Treasury grant of 400*l.* a year is continued on the supposition that the means at the disposal of the College have never exceeded 550*l.* per annum. He believed that some years had elapsed since the last of these benefices fell in to the College, and if that institution had not benefited by the revenues of them all, the fault alone must belong to the College authorities, whose duty it was to hold those livings in trust for the benefit of the College, and who had no right to bestow or dispose of them in any other way, so as to keep up a semblance of poverty, and create a fallacious claim to the payment of 400*l.* of the public money. It was well known that the living of Llanedy was in 1845 bestowed by the College authorities upon the Rev. Henry Williams, who was, and still is, totally unconnected with the College. And thus has been violated the special provision of an Act of Parliament. With regard to the scholarships, a return of which is included in the Motion before the House, in the year 1849 the College authorities advertised the number as amounting to twenty-four; but in their advertisement the following year, the scholarships had unaccountably diminished down to twenty-one. These scholarships have, for the most part, been founded by the benevolence of private individuals, for the assistance and encouragement of the students; and as many unpleasant rumours have long been afloat with respect to their payment, it is only surprising that the authorities themselves should not, of their own accord, request the most minute investigation. He believed that two of these scholarships are now held by one of the College tutors. It was also said that there had been most culpable misrule and malappropriation in other affairs of the College. That two of the professorships are now only nominally filled, while the Welsh professorship is actually suppressed. The Welsh professor (Mr. Rees) died in 1839. The professorship was then given to the Rev. D. T. Jones, who had been a missionary to the Red Indians, and who, being quite unqualified for the office, conscientiously resigned it at the expiration of about two years. It was now about nine years since that period, during which time the Welsh professorship had mysteriously disappeared. He had now given a very brief outline of a few of the prominent facts connected with the proceedings of St. David's College, Lampeter, and which he conceived would be sufficient to show that a speedy and searching investigation was imperatively required, and any attempt to prevent or evade such inquiry could only be viewed in a very suspicious and unfavourable light.

Mr. HUGHES said, he never before had heard that persons who had taken orders from the College of Lampeter, were deficient in the Welsh language. The complaint was made by the Rev. Archdeacon Williams, who had a rival establishment.

Mr. HUME said, he believed that St. David's College was in a very bad state, and he called on Her Majesty's Government to revise the Votes altogether, many of which were only originally acceded to conditionally.

Mr. LOVEDEN said, after the explanations that had been given, he felt bound to call on the hon. and learned Member for Youghal to withdraw his opposition.

Mr. CHISHOLM ANSTEY said, he could not conscientiously do so, and that he felt bound to press his Amendment to a division.

Question put.

The Committee *divided:* Ayes 26; Noes 113: Majority 87.

Original Question put, and *agreed to;*—Vote agreed to, as was also—

(2.) 1,691*l.*, Foundling Hospital,

(3.) 9,788*l.*, House of Industry, Dublin.

Mr. CHISHOLM ANSTEY moved the reduction of the Vote by 260*l.*, the amount of the salaries of the Roman Catholic and Protestant chaplains. In a city like Dublin, where churches and clergymen of all denominations were so numerous, he did not see the necessity for these chaplains.

Mr. COGAN begged to assure the Committee, that if these hospitals were in any way interfered with, the result would be most injurious to the medical schools of Dublin.

Mr. G. A. HAMILTON explained that, in the particular hospital now before the Committee, the inmates were very old and infirm, and consequently could not go abroad to Divine worship.

Mr. HUME said, that, for the reasons given by the hon. Gentleman (Mr. G. A. Hamilton), he would support the Vote. He hoped the hon. and learned Member for Youghal (Mr. C. Anstey) would not persevere.

Mr. CHISHOLM ANSTEY would not persevere in his objections to the Vote. But in a city like Dublin, it was disgraceful to the Churches of Rome and England that their clergy would not minister to their aged and infirm without receiving an emolument.

Mr. GROGAN begged to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the fact that the existence of the medical schools of Ireland was involved in the Vote before the House. He hoped the right hon. Gentleman would say that the views of the Government coincided with those of the late Government, and that no further diminution would be made in the grants for the medical schools of Ireland.

The CHANCELLOR of the EXCHEQUER: The subject of those medical schools I have already noticed in the course of the Session. We look with great interest to those establishments, and should be sorry to see any falling off in them. I think, at this hour, the best thing I can do is to move, Sir, that you do report progress.

Vote *agreed to.*

House resumed.

Committee report progress; to sit again *This Day,* at Six o'clock.

FROME VICARAGE—THE REV. MR. BENNETT.

Sir WILLIAM PAGE WOOD said, he would take the earliest opportunity of explaining, that in the remarks he had made relative to the institution of Mr. Bennett to the vicarage of Frome, in the debate of Tuesday night, he had then understood that the Bishop of London had written a letter to explain the effect of the certificate he had granted. From the statement made by the hon. Member for Cockermouth (Mr. Horsman) he understood that three clergymen had signed the certificate, that it was countersigned by the Bishop of London, who had then written a separate letter, which was read to the House, and which, it was stated, had been forwarded to the Bishop of Bath and Wells; and he took occasion to remark, that although he would be the last person to offer a word that might be considered disrespectful to the right rev. Prelate the Bishop of London, yet he did think that it was a mode not to be approved of, the signing a testimonial, and then sending a private letter to explain it—that, in his judgment, the memorandum should have appeared at the foot of the certificate. He had received a letter from the right rev. Prelate, in which he informed him that it was at the foot of the document itself—a mode which he expected the right rev. Prelate would have adopted, as being more in accordance with his general habits for straightforward and upright conduct. The mistake arose from the hon. Member for Cockermouth (Mr. Horsman) having stated that a separate letter had been sent, and that the letter had not been read by the Bishop of Bath and Wells. He was delighted to find that the memorandum was at the foot of the certificate itself. Of course, that did not alter the legal effect, but it was much more in accordance with what he would have expected from a prelate of the high character of the Bishop of London.

EXPENSES OF THE KAFIR WAR.

The CHANCELLOR of the EXCHEQUER: Sir, I promised that I would make a statement to the House this evening with reference to the Vote for the Kafir war. In consequence of the expense of the Kafir war having been much less considerable than we anticipated, and in consequence of the Treasury Minute that no expenditure should take place for extraordinary military services until the Votes for ordinary military expenditure had been exhausted, I have the satisfaction to state to the House that I do not feel it necessary to call upon them for that Vote of 200,000*l.* which I told them at the time of the financial statement I should probably be obliged to apply for.

MR. FEARGUS O'CONNOR.

MR. BELL said, in reference to the hon. Member who had been the previous day taken into custody he begged to inform the House that he had obtained two certificates from medical men, which he had placed in the hands of the Serjeant at Arms. These certificates fully confirmed the opinion that the hon. Member for Nottingham required medical advice, and he had thought it his duty to take that step, because he considered that as the hon. Member had been placed in custody for an offence for which he was not responsible, and that the step had been taken in the belief that he was of unsound mind, it was only proper that the House should be in possession of the fact upon medical authority—more particularly as the House was aware that the medical and legal professions were at issue as to what was the precise line of demarcation between soundness and unsoundness of mind. In the present case the medical men had pronounced the hon. Member to be of unsound mind; and should any person think proper to sign an order to the keeper of a lunatic asylum, he would be admitted, but in that case the person signing the order would be responsible. He had not interfered in the matter as the friend of the hon. Member, but simply because he understood that he had no friends, and he was desirous that the facts of the case should be known, and justice done.

THE TAX UPON CARRIAGES.

Order for Committee of Supply read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR DE LACY EVANS moved, as an Amendment, that the House resolve itself into Committee on the Carriage Duties for the purpose of affording some amelioration of them.

MR. ALCOCK seconded the Motion.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will resolve itself into a Committee on the Carriage Duties, with a view to a modification thereof.'"

The CHANCELLOR OF THE EXCHEQUER said, he had received a deputation on the subject from the coachbuilders of the metropolis, but that he felt it impossible to give any promise to enter into the subject in detail at the present moment. He hoped the hon. and gallant Gentleman would avail himself of some other opportunity, when the Government might have it in their power to consider the whole subject of taxation.

MR. AGLIONBY said, he had voted in the morning against the abolition of the duty on post-horses, because he did not think that when they were about to consider the great question of direct and indirect taxation, this was a fitting moment to deal with any particular branch. If, however, the hon. and gallant Gentleman persisted in dividing upon the modification of the tax, he would vote with him, but he could not consent to vote for the total repeal of the tax.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 57; Noes 17: Majority 40.

Main Question put, and *agreed to*.

SUPPLY.

House in Committee of Supply; Mr. Bernal in the Chair.

(4.) 600*l.*, Female Orphan House, Dublin. Vote *agreed to*.

(5.) 1,500*l.*, Westmoreland Lock Hospital, Dublin,

MR. GROGAN wished to call the attention of the Committee to the state of this hospital; in his opinion it was a charity having very strong claims upon the Government. He objected to any diminution of the annual grant by Parliament.

MR. W. WILLIAMS said, he objected to voting any public money to the charities of Dublin. Parliament was called upon annually to vote sums of money for the maintenance of eight hospitals in Dublin, while no institutions of a similar kind in England or Scotland were thus assisted.

MR. GROGAN said, that the English hospitals were largely endowed by Royal grants made many years ago, and that but for this circumstance they also would be dependent upon the liberality of Parliament.

SIR JAMES GRAHAM said, he wished to know if the question of the grants to the Irish hospitals had been formally considered and agreed to by the present Government? The late Government had considered the question, and he wished now to ascertain if the reduction in the grants was to be progressive or suspended?

The CHANCELLOR OF THE EXCHEQUER said, that the grants to all the Irish hospitals were under the consideration of Government, but that he could not say anything further at present.

Mr. FITZSTEPHEN FRENCH thought it extremely satisfactory that Her Majesty's present Government had undertaken to consider the decision of their predecessors on this subject; and in common with the other Irish Members who had opposed the course taken by the late Government, he felt thankful to their successors, and if they were prepared not only to suspend that decision, but to alter it, he would support them.

Vote *agreed to;* as were also the following Votes:—

(6.) 600*l.*, Lying-in Hospital, Dublin.

(7.) 1,050*l.*, Doctor Stevens's Hospital, Dublin.

(8.) 2,660*l.*, House of Recovery and Fever Hospital, Dublin.

(9.) 350*l.*, Hospital for Incurables, Dublin.

(10.) Motion made, and Question put—

"That a sum, not exceeding 38,560*l.* be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March 1853."

Mr. CHISHOLM ANSTEY said, that he had an Amendment to propose on this Vote. He objected to this celebrated or rather infamous *Regium Donum* on the ground that it was a Vote to bribe the loyalty of the people of Ireland. The objection to the Vote was universal; an argument in its favour was nowhere to be met with. No petitions were presented in favour of it; hundreds of petitions were annually presented against it; and the very congregations whose ministers this money was intended for, were conscientiously hostile to the continuance of such a grant. The late Government, through the noble Lord the Member for the city of London (Lord John Russell), had given in the last Session a species of pledge that this Vote would be withdrawn; and as the present Government had asked for consideration, inasmuch as they were not responsible for these Estimates, he (Mr. C. Anstey) called upon them to fulfil that pledge. At least let some justification be offered for the proposition of this Vote. A late Secretary to the Treasury had distinguished himself by defending the Vote on the ground that it was the cheapest method by which the House of Commons could secure the loyalty of the north of Ireland. Let it then be fairly stated that the object was to secure the allegiance of the lower classes through the corruption of their ministers. The Committee had no right, though they might have the power, to misappropriate the public funds for the support of those who desiderated the discontinuance of this grant. It was believed that this money, which was voted for Calvinistic purposes, was given to those who were not really Calvinistic ministers. That had been reported, but he would not enter into that question. His objection was more deeply rooted, for he was opposed to any permanent grants for religious purposes, and he was determined to divide the Committee on the present occasion.

Mr. G. A. HAMILTON said, the hon. and learned Member for Youghal had spoken of the Government bribing the Presbyterians of Ireland by this grant; but he must know very little indeed of that body, if he supposed that they would suffer themselves to be bribed by any Government. The ministers of the Presbyterian Church in Ireland could not be bribed by any thing which that House could offer to them.

Mr. CHISHOLM ANSTEY: I never said that they could be. What I said was, that the Secretary of the Treasury, in support of this Vote last year, made such a defence of it that I was justified in putting upon it the interpretation that the Government wished to bribe the Presbyterian ministers by offering to them this grant. But, I added, that I did not think they could be bribed.

Mr. G. A. HAMILTON said, he had only to remark that, if this Vote could not be sustained upon grounds of policy and justice, he felt sure that the independent character of the Presbyterians of Ireland was such that they would reject the grant. No doubt there was no explanation of this Vote upon the Estimates; but there lay upon the table a lengthy statement, which would give the hon. and learned Gentleman all the particulars that he might desire respecting it. That document would inform him that, in the time of James I., several Presbyterians left Scotland for Ireland with the view of planting Ulster, on condition that Parliament should give stipends to their ministers. That express stipulation had been since solemnly ratified by Acts of Parliament. The Dissenters of England, therefore, in this respect, stood upon a ground totally different from that occupied by the Presbyterians of Ireland; and he felt confident that the Committee would not refuse to agree to this Vote.

Captain JONES said, the hon. and learned Member for Youghal (Mr. Anstey) was not justified in representing the late Secretary of the Treasury to have said that this Vote was granted as a bribe to the Presbyterian ministers in Ireland. Had the Secretary of the Treasury made use of such language in that House, he (Captain Jones) should at once have protested against it. No man in that House, at all acquainted with the Presbyterians of Ireland, could assert that their loyalty and good conduct were dependent upon Parliamentary grants. The hon. and learned Member for Youghal had asked what good resulted from this Parliamentary support to the Irish Presbyterian ministers? The favourable contrast which the Presbyterian presented to the Roman Catholic counties of Ireland, ought to be a sufficient answer. Let the hon. and learned Member compare the constabulary expenditure in the latter with that in the former counties, and he would see what good had resulted from this grant.

Mr. HUME said, he was sorry that the hon. and learned Member for Youghal, with the view of inducing the Committee to discontinue this grant, had criticised rather severely the character of some of the recipients of it. Why, would not anybody take money if it was offered to him? It was quite true that the money was first granted in the time of James I.; but since that time what important changes in our policy had there been. The time had come in which the Presbyterians of Ireland were as capable as any other religious body of supporting their own ministers. Why should not the Dissenters of Ireland, as well as those of England and Scotland, support their own pastors? What justice or consistency could there be in endowing the ministers of the minority in Ireland, and giving nothing whatever towards the support of the Roman Catholic priests, who were the clergymen of the great majority of the people of that country? Every man should in his (Mr. Hume's) opinion pay for his own clergyman, just as he did for his own doctor. The hon. and learned Member for Youghal had referred to the endowment of Maynooth as a thing to be done away with as well as this grant; but he (Mr. Hume) did not think that a Vote for education, and the Vote now under the consideration of the Committee should be placed in the same category. The north of Ireland contained a rich population, and he did not think it was seemly to give Parliamentary support to them whilst the poor of the rest of Ireland were made to support their clergymen without any aid from Parliament. This was a Vote which would tend to keep up disquiet and discontent in Ireland, and it was wrong, both in point of policy and of justice.

Mr. STANFORD said, that as an independent though humble Member of that House, he was constantly placed in a most embarrassing position, in consequence of the extraordinary anomaly which existed in the British Constitution with regard to our ecclesiastical system. He had but one clear and intelligible course to pursue. It was, that being a member of the Established Church, and of opinion that the connexion of the Church with the State most conduced to the peace and hapiness of the community, he must throughout maintain that principle. When, therefore, he was called upon to vote money for Nonconformist or for Roman Catholic ministers, he asked himself, as he now asked hon. Members, how are we to maintain our established system, and yet, at the same time, grant money for the maintenance of doctrines entirely opposed to it? They must, in consistency, either declare themselves ready to maintain the principle of an Established Church, or to resort to the voluntary system. Being opposed to the voluntary system, he felt himself entitled to vote with the hon. and learned Member for Youghal, should he press for a division.

Mr. W. J. FOX said, that two aguments had been urged in favour of the Vote—one being the antiquity of the grant, and the other that there was no feeling in Ireland against it. Now, with regard to the first of these, it was a fact that before the Union the grant had amounted not to 38,000*l.*, but only to the odd 8,000*l.*; and, as to there being no feeling against it, he knew an instance in which one rev. gentleman had resigned his charge in consequence of receiving a share of the grant. The money was given to support ministers some of whom were orthodox (in a Calvinistic sense) and others heretical—some Trinitarians, and others Unitarians. They maintained hot controversies with each other. They fired away against each other their theological anathemas, while we paid for the powder and shot on both sides. One great objection to the grant was, that it went, not to certain members of the Presbyterian body, nor to certain ministers, but that it was measured by congregations, the consequence of which was a continual temptation to multiply the number of congregations. If we looked back to the amount of population connected with Presbyterian churches in Ireland, and to the number of congregations, we should find that the population was often stationary, but that the number of congregations meanwhile continually increased; and thus a larger amount of public money was secured. Another mischievous result of the grant was, that it really tended to repress the proper zeal of the Presbyterian body (who were a wealthy class of people) in support of their ministers. Although there would perhaps be some hardship in an immediate revocation of the grant, he should certainly be in favour of reducing it by 25 per cent until it was totally abolished.

MR. WEGG-PROSSER said, he thought that these endowments were in the end prejudicial. To be giving them first to one religion, and then to another, was certainly prejudicial to the character of the State which imposed upon itself a semi-infidel character when it began to support simultaneously half-a-dozen religions. It would be worth while for the Committee to consider whether they proceeded on any established system with respect to the Established Church. In England the Established Church was the Church of the majority of the nation, and might, he presumed, be considered by the State and the Parliament as teaching religious truth. There was here then no anomaly, speaking legislatively even. The moment, however, they passed the Tweed, they found a Church teaching totally different and partly antagonistic doctrines— [An Hon. MEMBER: And in a minority]—and, as the hon. Member said, though of that he was not himself aware, not in a majority. Here was an anomaly. In Ireland they had the same Church as in England, but, as every body knew, it was there in a minority. They had then no clear principle, for neither truth nor majority could, in these cases, be assigned. He spoke legislatively, not theologically, and he was not speaking of any particular mode of dealing with the Established Church in Ireland. But he said this: Until you are prepared to deal with it on a large and grand scale, it is absurd to withdraw particular grants from either this sect or that. He thought the times were now so much altered from what they were a few centuries ago, that, supposing a fresh state of things starting up, no statesman would think of supporting the Church in it at all. But the case was different where the Churches were already in existence. He only said, then, that finding themselves in the position they were in at present, they must not hastily revolutionise our ecclesiastical system before they were prepared to act in the matter on some clear, large, and statesmanlike principle. He could not support the hon. and learned Gentleman (Mr. C. Anstey), though he (Mr. W. Prosser) was generally opposed to endowments of this nature.

MR. W. WILLIAMS said, that last year the Vote of 1,696*l.* was withdrawn from the poor dissenting clergy of England and Wales; and if the Committee was justified in doing that, they were not justified in voting the large sum of 38,000*l.* for the Presbyterian body in Ireland, which was but a branch of a Church, established too in the richest part of Ireland. The greatest part of the dissenting clergy of England and Wales did not, on the average, get 92*l.* a year; yet they were called on to support the Presbyterian clergy in Ireland, a great many of whom received a large amount from this grant.

MR. HEYWORTH said, he should oppose the grant as a foolish and mischievous mode of keeping the people quiet, if that was the object with which the grant was made. If the object was the support of truth, all experience told them that truth was not to be supported by a grant of public money. He objected, then, on every ground, to the grant, and would support the Amendment. He considered any attempt as to keeping the people of the north of Ireland quiet by bribing their ministers, was perfectly ridiculous; and a Government could not fail to be despised which attempted to do so.

MR. VINCENT SCULLY observed, that he should not have risen upon that occasion, but for the insinuations thrown out by the hon. and gallant Member for Derry (Capt. Jones), to the effect that the Presbyterians of Ulster were more loyal subjects than the Catholic inhabitants of other parts of Ireland. He, for one, would never sit silent under that or any similar imputations which some hon. Gentlemen were so much in the habit of casting upon the Roman Catholic people. The hon. Member had intimated that he could scarce restrain himself from expressing more plainly his real sentiments; but he (Mr. Scully) thought it was always better to be outspoken in such matters, for the mischief done was equally great, whether the false imputation was made in a direct and frank form, or by way of intelligible insinuations. He did not mean any personal discourtesy when he asserted that any statement was wholly unfounded, and utterly false, which should represent the Catholic counties as at all inferior, in genuine loyalty, to the Presbyterian counties of Ireland. It was altogether untrue as to the great Catholic county which he had the honour to represent. He did not wish to offend any hon. Members by arrogating for the Roman Catholics of Ireland any superior loyalty over the Protestant or Presbyterian bodies; but those who so flippantly imputed a want of loyalty to the Catholics of Ireland, appeared not to know the meaning of the term, which, according to Dr. Johnson, signified "a firm and faithful adherence to the Prince;" and they seemed also to forget the former history of Ireland, or they would know that the Catholics there had been to the very last the most firm and faithful adherents of Kings Charles I. and James II. No—the Catholics of Ireland were never liable to the imputation of being more disloyal, though they might, perhaps, be more discontented, on account of being always worse treated and more oppressed, than their more favoured Protestant and Presbyterian countrymen. But let not disloyalty be confounded with discontent, as was constantly done by those who desired to divert attention from the real grievances of the suffering party. Did they not all know very well that the just discontent of the whole people of Ireland was mainly attributable to the unsatisfactory state of the land question? So long as that question should remain in an unsettled state, they might expect to find discontent among the Roman Catholic as well as the Protestant and Presbyterian populations. It was idle to attribute the present condition of Ireland to its prevailing religion or race. That was not the proper occasion to discuss the land question, or the other causes of the unhappy state of Ireland; and he should abstain from now making any statements of his own, but would take the liberty of referring to two English writers, who had recently expressed their views upon the subject. The greatest of Protectionist writers (Mr. Serjeant Byles), speaking in the year 1850, states—

> "What is the condition of Ireland? No description can describe it. No parallel exists or has ever existed to illustrate it. No province of the Roman Empire ever presented half the wretchedness of Ireland. At this day the mutilated Fellah of Egypt, the savage Hottentot; the New Hollander, the Negro Slave, the live chattel of Carolina or Cuba, enjoy a paradise in comparison with the condition of the Irish peasant—that is to say, with the bulk of the Irish nation. Who is responsible? Common sense says, and all Europe and America repeat it — Those who have governed Ireland are responsible. The misery of Ireland is not from the human nature that grows there. It is from England's perverse legislation, past and present. The truth is, that except in the imperfect way that the peace has been kept, Ireland has not been governed at all."

Those were the matured opinions of a distinguished Englishman in regard to the true causes of discontent in Ireland. To the same effect are the views lately expressed by Mr. Joseph Kay, another English author of great research, and who, as a Travelling Bachelor of Cambridge University, had occupied a period of eight years in examining the comparative conditions of the United Kingdom, and of the several countries in Europe. That eminent writer states—

> "The Irish people, physically and intellectually considered, are one of the most active and restless people in the world. In every colony in our empire, and among the motley multitudes of the United States, the Irish are distinguished by their energy, their industry, and their success. They are industrious and successful everywhere but in Ireland. But at this moment there is a state of war in Ireland. Do not let us disguise it from ourselves. There is a war between landlord and tenant—a war as fierce, as relentless as though it were carried on by force of arms. Such is the frightful, the appalling result of our long government of Ireland. We have made it—I speak it deliberately—we have made it the most degraded and the most miserable country in the world, and we wonder that the Irish should rebel against such a system of misgovernment! All the world cries shame upon us; but we are equally callous to our ignominy, and to the results of our misgovernment."

He could accumulate testimonies to the same effect made by enlightened English authors, from the earliest times up to the present day, truly ascribing the present discontent and misery of Ireland to the past misgovernment of that country, especially in connexion with its land system. But he would pass to matter more germane to the proposed vote for maintaining the Presbyterian clergy of Ireland. Now, he would object to discuss separately, and in an isolated form, either the withdrawal of this grant for maintaining the Presbyterian clergy of Ireland, or the withdrawal of the small grant for educating the Roman Catholic clergy at Maynooth. If the withdrawal of either of those Government grants were to be discussed at all, they should be considered together, and also in connexion with the State endowments—for they were State endowments—of the Irish Established Church. He had mentioned, in a recent debate, that spiritual food for the poor Catholics of Ireland was provided by Government at the annual rate of one penny per head, whilst each rich Protestant cost about two hundred shillings, and a Presbyterian two shillings a year. He believed that if these three endowments were to be, as the lawyers say, all brought into "hotch-potch," it would turn out that the Presbyterian body were entitled to more than two shillings per head out of the common fund, and therefore he would not be a party to depriving them of the present grant, unless all the other State endowments were, at the same time, withdrawn. He thought it, however, rather strange that some Protestants of the Established Church—such as the hon. Member for the University of Dublin (Mr. G. A. Hamilton)—should argue so strenuously in support of this Presbyterian endowment, and at the same time oppose most vigorously the grant to Maynooth. Upon referring to the speech made by the hon. Member in 1845, when he had denounced the Maynooth grant, he had added that "his observations applied only to the encouragement of religions by the State which differed from each other in essential truths." Was the hon. Member aware that a portion of this very grant to the Presbyterian clergy of Ireland was given to those Unitarians who repudiated the Atonement, denied the divinity of Christ and of the Holy Ghost, disbelieved in the Trinity, and rejected altogether the Athanasian Creed? That creed was common both to Catholics and to Protestants of the Established Church. The hon. Member would find it in his standard religious work, the *Book of Common Prayer*, and he would also learn from it that the doctrine of the Trinity is an essential truth of his Protestant creed, "which, except a man believe faithfully, he cannot be saved." Now, he would recommend the hon. Member to consider whether these Unitarians, who denied the Trinity, did not differ more materially in essential truths than a Roman Catholic from the Protestant of the Established Church. For his own part, he conceived that the temporal endowments of every church were totally distinct from its spiritual character; and, for the reasons he had already stated, he should not at present oppose the continuance of this grant to the Presbyterian clergy of Ireland.

Mr. S. CARTER said, that the English Dissenters were opposed to the grant, and he contended that, as it came annually under discussion, there would be no hardship in withdrawing it. He would vote for its withdrawal, and in doing so he would express a hope that the Government would withdraw other objectionable grants to ecclesiastical establishments.

Mr. KERSHAW wished the country could get rid of this scrambling for public money by different religious bodies. The English Dissenters had protested against the annual grant of 1,695*l.* to a portion of their body until the late Government agreed to withdraw it. It appeared to him there was no utility in continuing the grant, inasmuch as it only increased the indifference of the Irish Presbyterians to support their own ministers.

Mr. CHISHOLM ANSTEY said, he should have thought after what he had said, no hon. Gentleman could have stated that he (Mr. C. Anstey) charged the Presbyterians of Ireland with disloyalty. He said the grant was given to them as a bribe, but he had never said they received it as such.

The Committee *divided:*—Ayes 57; Noes 34: Majority 23.

Vote *agreed to;* as was also—

(11.) 6,552*l.*, Concordatum Fund (Ireland).

(12.) 10,745*l.*, General Board of Health.

Mr. HUME said, he must complain that places were put under the supervision of the Board without sufficient grounds. He contended that no application should be made to the Board by any district, before the sense of the ratepayers had been taken on the question. If he had known this Vote had been coming on, he should have made quotations from a collection of cases which had been sent to him, which would have astonished the Committee, and he hoped an early opportunity would be taken to amend the present Act by requiring a greater number of inhabitants than one-tenth to concur before a town was subjected to the expense of a preliminary investigation under the direction of the Board of Health. It frequently happened that the inhabitants of a town were surprised by the appearance of a surveyor among them, and, in a few weeks after, they found themselves placed under the supervision of the Board, contrary to their wishes, and without being able to see the names of the tenth of their number, on whose requisition it was assumed the proceedings were founded. This had been the source of many jobs.

Mr. ELLIS hoped that the Government would look very closely into the working of the Board of Health, as much dissatisfaction had been occasioned by their proceedings.

Mr. G. A. HAMILTON begged to remind the hon. Member for Montrose, that the Act by which the Board of Health had been established would come under the revision of Parliament in the course of the next two years, and if there was any necessity for making a change in the number of inhabitants permitted to memorialise the Board of Health, then would be the proper time to discuss the question. In the absence of the noble Lord who was at the head of the Woods and Works, he was, of course, not prepared to enter into any details with respect to the charge of mismanagement. He could state, however, that the Act had been applied to no less than 130 towns, and that there had been 231 petitions received from towns to be included under it.

Viscount EBRINGTON said, that some of the complaints which had been made were owing to a decision of the House, that in these cases the majority only was not to be represented, but that a very small minority of the inhabitants should be entitled, on application, to command an investigation by the Board of Health. As the inhabitants, however, were only exposed to the expense of a preliminary inquiry, the expense could not be very great. The average cost of these inquiries was 120*l.* a piece, and 330*l.* was the utmost cost of a contested inquiry. He could only contrast that with the expense of a contested improvement Bill, which, in some cases, had cost tens of thousands of pounds. With regard to all other towns but Yarmouth, everything was going on very smoothly and harmoniously.

Mr. HUME said, he did not want to abolish the Board of Health, which he thought was capable of doing a great deal of good, but he wished to put the Board in such a position that they should not be enabled to act upon the representations of one-tenth of the inhabitants of a town.

Sir BENJAMIN HALL wished to call the attention of the Government to the Metropolitan Interments Act, which had become a nullity, and which was to be superseded by a Bill now before the House. The only thing done under the Act was the appointment of a Commission, of which Dr. Southwood Smith was the head. He thought that as the Act was inoperative, the salaries paid to these gentlemen, amounting to 2,400*l.*, might be saved to the country till some opportunity arose for making their services available.

Vote *agreed to.*

(13.) 11,730*l.* Incumbered Estates Commission (Ireland).

Mr. FITZSTEPHEN FRENCH said, he did not wish to oppose the payment of the salaries of the Commissioners, but he must say that as the Government when in Opposition had opposed the Commission, their decision, as regarded the continuance of the Bill, was sudden, and astonished the greater part of their own supporters from Ireland. One of the ablest pamphlets against the measure, in fact, was, he understood, written by a legal Member of the Government.

The CHANCELLOR of the EXCHEQUER said, that this resolution was not a sudden one, as stated by the hon. Gentleman. It was announced by the Government three months ago, and under existing circumstances they felt that it was impossible for them to adopt any other course. The proposition was only to continue the Commission for one year.

Mr. HUME said, he must ask what became of the Courts of Law in Ireland, now that there was this Commission, which had in a great measure superseded the jurisdiction exercised by them? The experiment of the Incumbered Estates Court had been tried, and he was told that it had been very successful. Were the Courts of Law in Ireland incompetent to deal with this description of business—and was it proposed to make any reduction with respect to them?

Mr. NAPIER said, that this Court had been established to enable incumbrancers to obtain their money in an expeditious way. This mass of business the Court of Chancery could not get through, although there could not be a more enlightened and able Judge than the present Lord Chancellor of Ireland. In the Incumbered Estates Court, incumbrances to the amount of 28,000,000*l.* had been brought forward, only 8,000,000*l.* of which had been disposed of. He would merely add that, in moving the second reading of the Continuance Bill, he intended to make a statement, and to go into all the facts he was in possession of on this subject.

Vote *agreed to;* as were also—

(14.) 7,760*l.*, Lighthouses abroad.

(15.) 40,200*l.*, Census of the Population.

(16.) Motion made, and Question proposed—

> "That a sum not exceeding 4,332*l.* be granted to Her Majesty, to defray, to the 31st day of March 1853, the Expense of re-building the Chapel, &c. to the British Embassy at Constantinople."

MR. CHISHOLM ANSTEY said, he objected to the Vote. It contained a sum of 3,500*l.* for the building of a chapel at Constantinople, and he thought that the Ambassador should provide a room in his own house for his private devotions, as there were very few British subjects resident at Constantinople.

MR. HUME thought a detailed estimate of the expense should be laid before the House.

MR. G. THOMPSON said, he had looked into the amounts expended for erecting a residence for our Ambassadors at Constantinople, and he found that, since 1843, it had amounted to no less than 83,765*l.* It was too bad, therefore, to come forward now and ask that House to erect a room for the Ambassador's private devotions; and he would divide the Committee against it.

MR. G. A. HAMILTON would say nothing on the subject of past Votes, but he had to remind the Committee that the chapel at Constantinople was destroyed by fire two years ago, and it could hardly be denied that it was their duty to rebuild it. The chapel was for the Ambassador, the Consul General, and other British inhabitants of Constantinople.

MR. HUME said, that as the name of the noble Lord at the head of the Board of Works was at the foot of the Estimate, perhaps more information could be obtained from him on the subject. The Committee ought also to be informed how many English residents there were in Constantinople.

The CHANCELLOR OF THE EXCHEQUER said, he must object to the Government being made responsible for the expenditure of past years. When he was in Constantinople some years ago nearly 300 persons attended divine worship in the English chapel. The chapel was built for the use of the English residents and visitors in that city; but as the Committee wished for information on the subject, he would willingly consent to the postponement of the Vote.

MR. CHISHOLM ANSTEY said, that he had been induced the other night to allow some Votes to be taken without a division in consequence of the statement of the noble Lord (Lord Stanley), that whereever the English population abroad was able to do so, they would be required to furnish a certain amount before the Government would assent to the appropriation of the public money for building places of worship. If the English population at Pera were so numerous and respectable, they ought to put their hands into their own pockets, and not come to the English public for money. He objected to the postponement of the Vote.

MR. KEOGH agreed with the hon. and learned Member for Youghal, that the Vote ought not to be postponed. Besides the large sum which had been voted for the residence, the Ambassador at Constantinople received more than 12,000*l.* a year, besides other allowances. If the merchants at Pera, which was on the other side of the Straits, were so numerous, they ought to provide a place of public worship for themselves.

The CHANCELLOR OF THE EXCHEQUER regretted exceedingly that the hon. and learned Gentleman was not happier in his geography. Pera was that quarter of Constantinople in which the British Ambassador resided. He (the Chancellor of the Exchequer) had not stated that 300 merchants but that 300 persons attended divine worship when he was there, which was now a good many years ago. Perhaps there were not more than thirty English merchants in Pera. He (the Chancellor of the Exchequer) had proposed that the Vote should be postponed, in order that his noble Friend (Lord J. Manners), who was unavoidably absent, might give to the Committee the information for which the hon. Member for Montrose (Mr. Hume) had expressed a desire.

MR. W. WILLIAMS objected to the postponement of the Vote.

The CHANCELLOR OF THE EXCHEQUER said, that as the hour (nine o'clock) had arrived at which the Committee of Supply was to cease, he thought better to keep to the proposed plan, and begin with this Vote on the next Supply day. He should therefore move that the Chairman report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 92; Noes 12: Majority 80.

The House resumed. Committee report progress.

NEW ZEALAND GOVERNMENT BILL.

Order for Committee read.

House in Committee.

Clause 74.

Mr. GLADSTONE said, he understood that it was intended on the part of the Government to move certain Amendments in this clause; if that were so, it seemed a matter of some consideration how his hon. Friend behind him (Sir W. Molesworth) should make his Amendments. He would submit whether it would be more convenient to the Committee for the Government to make their Amendments in the first instance, and for his hon. Friend to be heard afterwards; or whether it would be more convenient to hear the statement of his hon. Friend first, before the Amendments of the Government were proposed. As he understood it, the Bill proposed one plan, the Government another plan, his hon. Friend another plan, and the New Zealand Company a fourth plan. In the general hustling and jostling of so many plans, the question which should have precedence ought to be determined.

Sir JOHN PAKINGTON said, he thought the most convenient course would be, to follow out one of the suggestions of the right hon. Gentleman on the question, that the 74th Clause stand part of the Bill, for his (Mr. Gladstone's) hon. Friend (Sir W. Molesworth) to state his plan to the Committee.

Sir WILLIAM MOLESWORTH: The reason why I propose the Amendment of which I have given notice is this. It is proposed by this clause that a change should be made in the legal charge which the Company has upon the waste lands of New Zealand under the Act of 1847. I propose that no such change should be made, and that in transferring the management of the waste lands from the Colonial Office to the General Assembly of New Zealand, the strict legal rights of the Company, and no more, should be reserved. Now, what are those legal rights? By the Act of 1847 a sum of 268,000*l.*, with interest, is charged upon and to be paid to the New Zealand Company out of the proceeds of the sales of waste lands "after deducting the outlay for surveys, and the proportion of such proceeds, which is appropriated to the purposes of emigration." Therefore the New Zealand Company is legally entitled to the residue of the proceeds of the sales of waste lands, after deducting the expense of surveys and of emigration. Now, I will not attempt to determine the legal question whether the Crown is entitled, if it think fit, to exhaust all the proceeds of the sales of waste lands in surveys and emigration, or whether there is some minimum portion of the proceeds of those sales which the Company could always recover by means of legal proceedings. I may assume, in argument, that there is some such minimum provided. I leave it indeterminate. By the clause which I propose, the legal rights of the Company to that minimum, whatever it may be, would be reserved in the transfer of the management of the waste lands of New Zealand from the Colonial Office to the General Assembly. What more, then, do the Company require? The Company assert that they have a moral claim to a larger portion of the proceeds of the land sales than the legal minimum; that the Colonial office has recognised that moral claim, and will satisfy that claim as long as it retains the management of the waste lands; but if that management be transferred to the General Assembly, the General Assembly will not recognise the moral claim of the Company, and will give to the Company as little as possible. Therefore the Company assert that in transferring the management of the waste lands from the Colonial Office to the General Assembly, the moral claims of the Company should be converted into legal charges upon waste lands. For instance, I will suppose, for the sake of illustration only, that the legal minimum to which the Company is now entitled is one-tenth of the proceeds of the sales of waste lands, but that the Company asserts a moral claim to one fourth. Then, say the Company, as long as the Colonial Office manages the lands, we can, by our influence in this House and elsewhere, induce the House to give us a fourth. But if the General Assembly have the management of the waste lands, they will laugh at our moral claim, and give us as little as they legally can; and therefore the Company say, that in transferring the management of the waste lands to the General Assembly, Parliament ought to convert the moral claim of the Company into a legal right, by giving to the Company one-fourth of the proceeds of the land sales. I admit that these arguments are irrefutable if the Company can establish a moral claim to more than the legal minimum. Now, I deny that the Company have any moral claim to more than the legal minimum, or to any favour from Parliament. I do so for two reasons: first, because they obtained the Act of 1847 by concealing the truth from the Colonial Office, the Treasury, and Parliament; secondly, because simultaneously they induced their settlers at Nelson to agree to arrangements beneficial to the Company by concealing the truth and insinuating what was incorrect.

I am sorry that the papers which I moved for three weeks ago have not as yet been presented to Parliament. I have, however, what I believe to be authentic copies of the documents to which I am about to refer. I shall confine myself strictly to the proceedings of the New Zealand Company in 1846 and 1847. By an Act which received the Royal Assent on the 3rd of August, 1846, the Company obtained a loan from the Consolidated Fund of 100,000*l*., which sum was to be repaid within seven years, with interest at the rate of 3 per cent per annum. The 100,000*l*. were to be applied by the Company chiefly to purposes of alleged public utility. It was especially provided that no portion of this money was to be applied to the payment of any part of the debenture debt of the Company. That debt amounted to 75,000*l*., with interest at 4*l*. 2*s*. per cent per annum, secured upon a subscribed but unpaid-up capital of 100,000*l*. This proviso was very distasteful to the Company, for it would have obliged them to make calls upon their shareholders, and to embark more private money in a hopeless speculation. Therefore, as soon as the Company had got the consent of Parliament to a loan, they applied again to Parliament in the same Session for a second Act to set aside the proviso. The second Act received the Royal Assent twenty-three days after the first Act (August 26). It empowered the Company to pay off half of their debenture debt, with a portion of the loan from the Consolidated Fund. The money so applied was to be repaid within three years. Not content with these concessions, the Company longed for more public money; and, about two months afterwards, the Company again applied to the Colonial Office. Negotiations commenced which ended in the Act of 1847. By that Act the Company were relieved from the payment of interest on their first loan of 100,000*l*., and obtained a second loan of 136,000*l*., without interest; and it was provided that in the event of the Company giving notice within three months after the 5th of April, 1850, that they intended to surrender their Charter, then their debt of 236,000*l*. was to be remitted, and a sum of 268,000*l*., with interest at the rate of 3½ per cent, was

—"to be charged upon and paid to them out of the proceeds of all sales of land in New Zealand, after deducting the outlay for surveys, and the proportion of such proceeds which is appropriated to the purposes of emigration;"

At the same time the lands of the Company were to revert to the Crown

—"upon condition of the Crown satisfying any liabilities, to which the Company may then be liable, under their existing engagements, with reference to the settlement at Nelson."

The Company gave notice on the 5th of July of their intention to surrender their Charter, and, consequently, by the Act of 1847, the Crown is now liable for all engagements between the Company and their settlers at Nelson, which existed in 1847, and have not since been cancelled. It was, therefore, the duty of the Chancellor of the Exchequer, as special guardian of the public purse, to ascertain the liabilities of the Company towards their Nelson settlers before he assented to the Act of 1847; and the Chancellor of the Exchequer did his duty to the best of his power; for, about November, 1846, the Chancellor of the Exchequer sent to the New Zealand Company a paper of inquiry; and among the topics upon which he required information were—

"Claims of Settlers on the Company, which they (the Company) conceive to be good against Government in the event of the Company breaking up? With the grounds of both these claims and their amount. Nature of settlers' claims."

Now, before the Company replied to these questions, they had submitted a case for the advice of their standing counsel, touching their liabilities with reference to their settlement at Nelson, and had received the opinion of their counsel to the effect that they were under immense liabilities, that the Company had failed to perform their contract with reference to that settlement, were liable for its non-performance, might be called upon to refund the moneys which they had received from purchasers of allotments, with interest and damages. If this opinion were correct, the legal claims of the purchasers of allotments at Nelson upon the Company, which would have been good against the Government, in the event of the Company breaking up, would have amounted perhaps to a couple of hundred thousand pounds, or even more. Now, the Company, with this legal opinion in their possession, and without having obtained any contradictory opinion, did not hesitate, in their answer to the Chancellor of the Exchequer, dated the 23rd and 24th of December, 1846, and the 9th of January, 1847, to omit all mention of these legal claims of the settlers of Nelson; and the Company did, by the dexterous wording of their answer, produce in the mind of the Chancellor of the Exchequer the belief that the claims of the settlers were merely moral ones, and, to use his own expression, "amounted to nothing more than what any settlers claim, that is, the protection of good government." I put the question to the right hon. Baronet the Member for Halifax (Sir C. Wood): was he aware in December, 1846, or in January, 1847, or at any other period before the passing of the Act of 1847, of the legal opinion to which I have referred? Was he aware that the purchasers of allotments at Nelson had any legal claims on the Company, except with reference to that fund, which amounted to about 25,000*l.*, and is quite a distinct matter? Now, about a week after the last answer of the Company to the Chancellor of the Exchequer, they received a letter from Mr. Hawes (dated January 16, 1847), enclosing a copy of a petition from Nelson Parliament. This petition was presented by Mr. Hawes on the 8th of February, 1847. It stated that—

> "The site chosen for Nelson had been found wholly inadequate to the fulfilment of the Company's liabilities;" that there was a "general impression that it was not the intention of the Company to fulfil its contracts, or to make any compensation to the purchasers."

The petitioners prayed that the House would take measures to enable them to obtain legal redress.

Before the Company replied to the letter containing this petition, they submitted a second case touching their liabilities, with reference to Nelson, to a second counsel, whose name I will not mention; for though he is of undoubted legal attainments, the Company's first counsel would not have met him in consultation, and he is not permitted to practise in a Court of Law. The Company received the opinion of their second counsel on the 21st of January, 1847; it was very different from that of their first counsel, and then they answered (on the 26th of January, 1847) Mr. Hawes's letter; in their reply they omitted all mention of the opinion of their first counsel, and assured Mr. Hawes that—

> "Their own personal conviction had been distinctly confirmed by counsel of eminence to the effect that they had not failed in the performance of any contract with their Nelson settlers which they could be legally called upon to fulfil."

Again, on the 23rd of April, 1847, the Company addressed to the Secretary of State for the Colonies a formal statement, which was presented to the House, and formed the Parliamentary basis of the Act of 1847. In that statement they should have inserted all claims of their settlers upon them; but they omitted all mention of the legal claims of the Nelson settlers for non-performance of contract, and only mentioned their liabilities to those settlers on account of the trust fund, as amounting to between 25,000*l.* and 31,000*l.* The statement was sent to the Treasury with a letter from the Colonial Office, dated May 6, 1847, in which Mr. Stephen described the liabilities of the Company to the Nelson settlers over and above the 25,000*l.* of the trust fund, as the small balance of a disputed account, not worth mentioning. Accompanying this letter was the draught of Lord Grey's reply to the New Zealand Company, which was sent for the sanction of the Treasury prior to an application to Parliament for the Act of 1847. In that draught Lord Grey stated that he is assured that the liabilities of the Company to the Nelson settlers (over and above the 25,000*l.* of trust money) "can only be some small amount of debt which may possibly be found due to those settlers on a settlement of some accounts of which the balance cannot be exactly ascertained."

In consequence of these statements and assurances of the Lords of the Treasury signified (May 10, 1847) that they would concur in an application to Parliament for the Act of 1847, these letters were presented to Parliament in June, 1847. They prove that the Act of 1847 was obtained in complete ignorance on the part of Parliament, of the Colonial Office, and of the Treasury—first, that there was a legal opinion to the effect that the Company was under immense liabilities to their settlers at Nelson; and, secondly, that the Crown would have to satisfy those liabilities in the event of the Company breaking up. The papers for which I have moved will also show that the legal opinion to which I have referred was concealed from the Colonial Office, and from the Treasury, and a second and different opinion was brought prominently under the notice of the Colonial Office. It must be admitted that these proceedings of the Company were very questionable ones. At the same time, I am bound to state, that Lord Grey, in a letter to the New Zealand Company dated November, 1848, stated that—

> "He had much satisfaction on coming to the conclusion that the directors of the New Zealand Company must be entirely acquitted of having concealed in their negotiations with the Government any claim which they believed to have any foundation."

The terms of this acquittal show that there was concealment, though in Lord Grey's opinion it was not improper; and, in fact, in the same letter Lord Grey stated—

> "That he never had any expectation at the time of the negotiations with the Company in the early part of 1847, that claims could be advanced by the Nelson settlers with any reasonable prospect of success, of the indefinite character and to the vast amount described by the Commissioner for the affairs of New Zealand."

I must observe that the Commissioner, in his report of the 24th of November, 1847, made Lord Grey acquainted with the fact, previously unknown to his Lordship, that there were two adverse opinions with regard to the Company's liabilities to their Nelson settlers, and recommended Lord Grey to have an amended case submitted for the consideration of the Law Officers of the Crown. This recommendation Lord Grey disregarded. I must also observe, that Lord Grey acceded to the request of the Company in their letter of the 28th of March, 1848, that the opinion of their first counsel, which was favourable to the Nelson settlers, and unfavourable to the Company, should continue to be concealed from those settlers. And I must add, that one of those settlers had brought an action against the Company, and the Company had compromised it by paying the settler the sum to which he would have been legally entitled if the opinion of the first counsel had been correct.

I now come to the proceedings of the Company towards their purchasers of allotments at Nelson, which seem to me to be far more questionable than those which I have just mentioned. In order to understand those proceedings, I must observe that on the 15th of February, 1841, the New Zealand Company issued a prospectus for the formation of a second settlement, to be called Nelson; and they offered for sale allotments of land in that settlement, which allotments were to fulfil certain conditions. In the first instance, about 315 persons bought 442 allotments of 201 acres each, at 300*l.* per allotment, for which they must have paid about 132,600*l.* About eighty of these purchasers emigrated to Nelson. On arriving there they found that the Company could not fulfil the conditions upon which the allotments had been purchased. The settlers complained of a breach of contract, and demanded compensation. The Company then proposed a method of arranging the differences between them and their settlers, to which the settlers refused their assent; whereupon the Company submitted (as I have already said) a case for the advice of their standing counsel touching their liabilities to their Nelson settlers. Before they received the opinion of their standing counsel, the Company wrote a letter (November 26, 1846) to their agents, Colonel Wakefield and Mr. Fox, in New Zealand, to the effect that the "one great object of the Company was to act for the benefit" of Nelson, therefore they had caused a case to be submitted for the advice of counsel, that they would be guided by that advice. They invited, also, the "freest communication of sentiment on the part of the settlers, and of opinion and advice on the part of their agents;" and they concluded with pledging themselves "to adopt the course best calculated to identify the Company with the Colonists, and to promote permanently the united interests of both." Now, it appears from papers in the possession of the House, that this letter, on its arrival at Nelson, was circulated amongst the settlers, and produced in the minds of the settlers the belief that further information had been promised them. It excited an impression favourable to the Company, and, in fact, humbugged the settlers; for I am sorry to say the Company played identically the same trick to the settlers as they were simultaneously playing to the Colonial Office and the Chancellor of the Exchequer, with this difference, that they concealed the truth from the Government and Parliament, while to their settlers they not only concealed the truth, but insinuated what was positively incorrect; for a few days after they had written that letter they received (December 4, 1846), the opinion of the counsel referred to in it. Now, I must observe that this counsel was one of the largest shareholders in the Company, and that his pecuniary interests were identical with those of the Company. Yet, as I have already observed, his opinion was to the effect that the Company had failed to perform their contract with the purchasers of allotments at Nelson, were liable for the non-performance of that contract, might be called upon to refund the purchase-money, and to pay interest and damages in addition. The Company did not send this opinion to New Zealand, but carefully concealed it from their settlers and their agents, as they had concealed it from the Chancellor of the Exchequer and the Colonial Office; but they procured, as I have already said, a second opinion from a second counsel, which was very different from the opinion of their first counsel. This second opinion the Company forwarded, on the 28th of January, 1847, to their agents in New Zealand, as if it were the opinion referred to in their letter of the 26th of November, 1846, and which opinion their agents and settlers had been expecting. Along with this second opinion they enclosed their reply to Mr. Hawes with regard to the petition against them from Nelson, and they called the especial attention of their agents to that portion of their reply to Mr. Hawes, in which they asserted that—

> "Counsel of eminence had confirmed the personal conviction of the Company that they had not failed in performing any contract with their settlers at Nelson, which they could be legally called upon to fulfil."

When this second opinion, with its corroborating documents, reached New Zealand, it was extensively circulated among the settlers at Nelson. It passed for unquestionable law, for there was, probably, no one in the Colony who knew anything about the second counsel. This opinion was used with the utmost success by the agents of the Company to induce the settlers to agree to certain arrangements beneficial to the Company.

Colonel Wakefield, in a letter dated 23d of August, 1847, wrote to the Company that the opinion (of the second counsel)—

> "has been sufficiently promulgated by me to dispel a notion on the part of some of the purchasers that it would not be unwise for them to seek compensation by legal proceedings;" and he added, "the case of repurchase by the Company of land-orders in this settlement had given hopes to many who would now prefer to have their money again; that the directors had found the Company responsible on the point—the partial disclosure of the legal opinion, with an assurance that it had been only taken with a view of deciding on the above named point"—

(I have shown that it was only taken with a view of obtaining an opinion favourable to the Company)

> —"has had the effect on some of inducing them to accept the proposed terms."

It is a duty which I owe to the memory of Colonel Wakefield to state my belief that, in using the opinion of the second counsel in the manner which he did, neither he nor Mr. Fox were aware of the opinion of the first counsel, or that such an opinion existed. Mr. Fox is at present in England; he assures me that both he and Colonel Wakefield believed that the opinion of the second counsel was the one which was referred to in the Company's letter of the 26th of November, 1846, and which both they and the settlers had been expecting; that if he and Colonel Wakefield had known the contrary, they would never have consented to make the use which they did of that opinion; that he had never heard of the existence of the opinion of the first counsel till he returned to this country last year; and that he believed that up to the present moment the Nelson settlers were ignorant of that fact. Thus the Company, who had assured the settlers of Nelson that "their one great object was to act for the benefit" of Nelson, concealed from those settlers the opinion favourable to the interest of settlers, and, instead of that opinion which the Company had promised to send, they palmed off upon their settlers another opinion adverse to the interest of the settlers, favourable to the interest of the Company; and thus they tricked their settlers into an arrangement to which they would never have agreed had they suspected the good faith of the Company. Would such an arrangement be held valid by a Court of Equity? As far as the morality of the proceedings of the Company were concerned, it matters little whether the opinion of the first counsel, or that of the second counsel, was the correct one. For nothing can justify the concealment of the first opinion, and the substitution of the second opinion for it. The Company has, however, asserted that their personal conviction was, that the first opinion was wrong, that the second opinion was right, and that they had concealed the first opinion out of regard for the settlers, lest it should mislead them and prevent an "equitable adjustment of disputes" between them and the Company.

Now, I will state some facts which induce me to believe that finally, at least, the Company arrived at the conviction that the opinion of the first counsel was the sounder one of the two, and that they were really under heavy liabilities to their settlers at Nelson; for an action was brought against them by one of their Nelson settlers, and the Company did refund the purchase money which they had received from that settler, and paid him damages in addition. This settler was named Beit. In 1842 he had purchased from the Company four allotments at Nelson. for which he had paid the sum of 1,500*l*. He emigrated to Nelson with his wife and family; he remained there five years in a condition similar to that of almost all the settlers at Nelson, namely, without having been able to obtain from the Company the fulfilment of their engagements towards him as a purchaser of allotments at Nelson. He then returned to this country, and applied to the Colonial Office for redress, stating his intention to petition Parliament against the Company. The Colonial Office recommended Mr. Beit not to do so, and referred him to the Commissioner, who was to be appointed under the Act of 1847 to superintend the affairs of the Company. The Commissioner was directed to report upon Mr. Beit's case and that of the Nelson settlers generally. The Report was dated the 24th of November, 1847. In that Report the Commissioner brought under the cognisance of the Colonial Office for the first time the fact that the Company had taken two opinions on the subject of their legal liabilities to their settlers at Nelson, that those opinions were different, and he recommended "that an amended case should be prepared, and a third opinion taken." This recommendation was disregarded by the Colonial Office. A copy of the Commissioner's Report was transmitted to the Company by the Colonial Office, but refused to Mr. Beit. The Company complained very much of the Report, and requested the Colonial Office to allow Governor Grey to become arbitrator between them and their settlers. The Colonial Office complied with this request, and Mr. Beit was recommended to return to New Zealand, and to submit to the arbitration of Governor Grey. Mr. Beit refused, preferred an English Court of Justice, and commenced an action against the Company. Mr. Beit's action was for breach of contract and damages, in respect of his having purchased from the Company five allotments at Nelson. The Company immediately moved for a Commission to proceed to New Zealand to take evidence, and that proceedings should be stayed until the Commission should report. But Mr. Beit's counsel at once offered to admit all the facts upon which the Company had grounded its application to the Court, and the Commission was refused. It was then agreed that the case should be referred to arbitration, and an arbitrator was appointed by the Court. Then the Company appointed their second counsel, who had given so strong an opinion in their favour to defend them and his own opinion. Mr. Beit's counsel refused to meet the Company's second counsel, and appealed to the arbitrator, the Hon. G. Denman. The arbitrator took time to consider, and to ask superior advice; and finally refused to hear the Company's second counsel. The Company had to appoint another counsel. After two or three hearings they negotiated a compromise with Mr. Beit, by which they consented to repurchase from Mr. Beit for about 3,000*l*. the property which had been sold him for 1,500*l*. It is impossible to believe that the Company would ever have consented to this compromise if they had really believed in the soundness of the opinion given by their second counsel, that they were under no legal liabilities to their settlers at Nelson. If that opinion were incorrect, and the opinion of the first counsel correct, then in 1846, at the time when the Chancellor of the Exchequer inquired what were the claims of the Nelson settlers upon the Company, their liabilities to those settlers may have been immense; for, up to 1846, the Company had sold allotments at Nelson, for which they had received 162,240*l*. It is said that the case of each of the purchasers of these allotments was the same as that of Mr. Beit. If this were so, and each of them had agreed to the same compromise with the Company as Mr. Beit did, the liabilities of the Company in 1846 to purchasers of allotments at Nelson would have amounted to 320,000*l*. This, however, is a mere guess. It is certain, however, that whatever now remains of those liabilities has been transferred to the Government by the Act of 1847.

Mr. GLADSTONE here called the hon. Baronet's attention to a passage in a volume which he placed before him.

Sir WILLIAM MOLESWORTH: My right hon. Friend has pointed out to me some circumstances which he thinks makes the case worse against the Company; but I leave him to settle that. What I mean to say is, that the Government will have to satisfy all liabilities of the Company which existed in 1846 to purchasers of allotments at Nelson, which have not since been cancelled by valid arrangements. Now, the question arises whether a Court of Equity would hold arrangements to be valid which had been obtained in the manner which I have mentioned—namely, by concealing the opinion of the Company's first counsel, and substituting the opinion of the second counsel. In a court of morality it would be pronounced that such arrangements had been obtained by fraud. Whether they would be set aside on such grounds in a Court of Equity I cannot pretend to say; but if any of them could be so set aside, then in each case the liabilities of the Company would be revived and transferred to the Government by the Act of 1847. Now, I have proved, first, that in obtaining the Act of 1847, the Company concealed from the Colonial Office, the Treasury, and Parliament, the opinion of their standing counsel, to the effect that they were under heavy liabilities to their purchasers of allotments at Nelson, which the Crown would have to satisfy in the event of the Company's breaking up; and, secondly, I have proved that the Company concealed from their settlers and agents at Nelson the opinion of their first counsel, which they declared they were taking for the mutual benefit of themselves and their settlers; and, by substituting the opinion of a second counsel of more than questionable character, they deceived their agents, and deceived their settlers into arrangements beneficial to the Company, and to which the settlers would never have consented had they been aware of the opinion of the first counsel. And I must repeat that the opinion of the first counsel has been confirmed by the compromise entered into between the Company and one of their settlers, who compelled them to repurchase his allotments at twice the sum which he had paid the Company for them. I come, therefore, to the conclusion that the Company is entitled to no favour from Parliament; that it has no moral claims to anything more than its strictest legal rights; and therefore, in transferring the management of the waste lands of New Zealand from the Colonial Office to the General Assembly, nothing more than the strict legal rights of the Company should be reserved. That is, I propose that they should remain entitled to the residue of the produce of the land sales in New Zealand after deducting surveys and emigration to precisely the same extent to which they are now legally entitled under 10 and 11 *Vict.*, c. 112. I beg to move, therefore—

"That in Clause 74, all the words be omitted after, 'And,' to 'Provided,' and the following inserted, 'Nothing in this Act, or in any Act, Law, or Ordinance, to be made by the said General Assembly, or by any Provincial Assembly, shall affect or interfere with so much of an Act of the Session holden in the 10th and 11th year of Her Majesty, cap. 112, 'to promote colonisation to New Zealand, and to authorise a loan to the New Zealand Company,' as relates to a certain sum, with interest, to be charged upon and paid to the New Zealand Company, out of the proceeds of all future sales of demesne lands of the Crown in New Zealand, after deducting the outlay for surveys and the proportion of such proceeds which is appropriated to the purposes of emigration.'"

MR. AGLIONBY said, he did not know whether it would be convenient for the Committee that he should reply at that moment. He was sorry to say that he could not do so very shortly, unless the Committee should agree, as he hoped they would, that it was utterly impossible that they could be a proper tribunal to inquire into and decide upon the question, involving, as it did, not only very important interests as regarded the Crown, the country, and the settlers, and still more as regarded the character of gentlemen as high in station, as independent in principle, and as high in honour as the hon. Baronet who had brought forward the question. Being connected with the Company whose character and honour had been assailed in the speech just delivered, he felt compelled to follow the hon. Baronet, who, he must say, had not treated the Company fairly in bringing forward his charges upon the authority of Mr. Cowell, an individual who had been relieved from the duties of his office by Lord Grey, on ground that did not redound to his credit, for it was discovered that he had been in the habit of taking private notes of confidential conversations among gentlemen without their knowledge, with the intention of using them against the Company. The difference between the settlers at Nelson and the Company was referred by the directors to the decision of Mr. Cowell and Mr. Godley, a gentleman of the very highest character, and now connected with the Canterbury Association. When it was discovered that a cabal was being got up against the Company in order to make an attack upon them in the House of Commons, Mr. Godley was asked if he had taken the notes of the confidential conversation; and that gentleman replied, "Certainly not," and that he would as soon have thought of taking notes of what was said by his wife. Mr. Cowell thereupon brought out of his pocket written notes of the conversation. Mr. Godley denied the accuracy of the notes, and Mr. Cowell acknowledged that they were written from his recollection two or three days after; upon which Mr. Godley answered that his own recollection was as good as Mr. Cowell's. This fact, he thought, ought to be a caution to the Committee against relying too readily upon statements based upon the authority of the hon. Baronet's informant. The hon. Baronet accused the Company of concealing the facts in their reply to the official queries of the Chancellor of the Exchequer, and of having obtained an Act of Parliament founded upon that concealment. He was sure that the hon. Baronet, when he came to think of the matter calmly, and apart from Mr. Cowell, would regret that he had brought such charges forward against the New Zealand Company without communicating to them beforehand the nature of the charges he intended to bring against them; for, if he had done so, he (Mr. Aglionby) would have been prepared with a written document in reply to every one of them. As it was, he could only give a general denial to the hon. Gentleman's charges. But it was impossible for the Committee to deal with this question. He would never rest satisfied until he had the impartial tribunal of a Select Committee of the House of Commons, before which every document and paper should be produced, and the fullest explanations given. The hon. Baronet might pride himself on raking up, on the information of Mr. Cowell, disputes that would lead to endless litigation and dissatisfaction, but which were settled long ago, and with which Lord Grey declared himself satisfied. The Nelson settlement was originally founded upon the recommendation of a director who had since left the Board. It was believed at the time to have been based on sound principles of colonisation; and every director of the Company thought so well of it that he as well as all the other directors became purchasers and holders of land according to the terms of the prospectus. Their original object was to obtain land in a certain part of the island under the sanction of Government; but at that time the Colonial Office was not favourable to them, and the Governor of New Zealand was in deadly hostility against them. They sent out Captain Wakefield, in whom they had perfect confidence, to select a settlement; and, had he been allowed to follow his own judgment, he would probably have selected either the place which was now the site of the Canterbury settlement, or that which was the site of the Otago settlement; but he did the best he could in the circumstances in which he was placed, and fixed upon Nelson. The Company had not proceeded far with the settlement of Nelson when disputes of the bitterest kind broke out between the settlers and the Company. He would, however, give the hon. Baronet the benefit of the admission that the settlement at Nelson did not fulfil the strict letter of the law. The Company's agent did his best, but the land was mountainous, the harbour was not so good as was expected, those who bought suburban sections were driven over the mountains away from the towns, and others complained of better unsold allotments not being given to them. Altogether, he was inclined to admit that the scheme was not well advised, and that it had not answered the expectations either of the Company or of the settlers; but he received a letter only that day from a young man who had been ten years in the colony, and he gave a good account of the settlement. Again, those who bought land knew perfectly well the certainty that existed about the selection of their allotments, although they demanded many things which he thought unreasonable, but which it was perhaps natural they should desire. He now came to the most important point of the hon. Baronet's charge against the Company, he meant the opinions of counsel with reregard to the claims of the settlers—and here he begged to say that if there was anything unjustifiable in that, he took the blame upon himself. He acquitted his brother directors of any participation in it beyond the fact of acting upon his advice. When he saw the opinion of the first counsel, he at once declared that it was wholly untenable in law. The Board, however, took Mr. Buckle's opinion, and that gentleman thought the settlers had some claim—he did not say what. He (Mr. Aglionby) disagreed with that opinion, and expressed his reasons for so doing. He was not satisfied, and he directed the solicitor to take a second counsel's opinion. The solicitor went to one of the ablest men at the Bar; and here he must say he lamented that the hon. Baronet should have raked up and dragged before the House of Commons a painful transaction in which that gentleman was engaged twenty years ago, as if such a circumstance could render his opinion on a point of law less valuable. He deeply regretted that a feeling of that sort had been imported into the debate. Let the hon. Baronet say anything he pleased about him (Mr. Aglionby), he was ready to meet him in any Court of Law; but to attack a gentleman for something that passed twenty years ago, as if it affected his legal opinion—bah! That gentleman's opinion was in opposition to Mr. Buckle's; he (Mr. Aglionby) believed it was a good opinion, and he abided by it, as he would be ready to do now in any Court of Law in the kingdom. With regard to the hon. Baronet's accusation about an expression in the secretary's letter seeming, as he alleged, to refer to one legal opinion, when in fact it meant another, he would pass that by. The gravamen of the charge was, that, having two legal opinions before him—the one adverse and the other favourable to the interests of the Company—he (Mr. Aglionby) sent out to the party making the claim the opinion favourable to the Company. Now, he acknowledged that he had done so, and he would do it again. Lord Grey, whose high feeling no man would impugn, was made cognisant of the two opinions, and he gave his sanction to the course the Company had adopted in sending out the opinion they thought the right one. He had Lord Grey's letter in his possession, and he would preserve it till his dying day. He would take Lord Grey's acquittal as soon as any man's. But, better still, he had his own acquittal, and in matters of honour he thought a man could sleep best when supported by his own sense of rectitude; and that fully acquitted him also. But what effect could all that have had on the Company's Act of Parliament? He should like to see Lord Grey's opinion on that point. Lord Grey was not supposed to be too favourable to the Company, and he would appeal to him now if he were in that House. But if he gave the Company that Act of Parliament upon any misrepresentation with regard to that legal opinion, there was an end of that question. Even if a Court of Equity were to decide against them on this matter, it could only affect the Nelson liabilities. Now what was the fact regarding these liabilities? He held in his hand a letter written by the late Mr. Charles Buller, apparently in answer to some one who had asked him whether any ground existed for saying that the claims of the Nelson settlers had been intentionally understated. He would not read the letter, which was long, though any gentleman was welcome to see it; but Mr. Charles Buller stated in effect that he had not been misled, that he always knew and always stated that the New Zealand Company would certainly have to pay 25,000*l.*, and that they could not have to pay more than 60,000*l.* As to the case of Mr. Beit, who was an extremely clever and unscrupulous German, he had not brought his action for claims on the Nelson settlement, but for arrears and interest of salary, the value of a pier and land; and the matter was referred to arbitration. On the settlement of that, as of every other charge against the Company, he was perfectly satisfied. Every document and paper in their office had been laid before the Commissioners, and were at the service of any Member of the House; and let Mr. Cowell and the hon. Baronet do their worst, he did not believe the Government would have to pay more than the 25,000*l.* they had spent. The Company had spent more than 100,000*l.* in Nelson on emigration, surveys, &c., more than they were obliged to do by the terms of their prospectus; but they might not be able to claim it in consequence of their not having observed the proper ratio of its distribution. He believed the Company was in safe hands with the right hon. Baronet opposite the Colonial Secretary; and he hoped he should not be considered pertinacious if, after what had passed, he claimed for himself and the Company an inquiry into all the circumstances by two or three persons accustomed to equity proceedings, who might be named by the Government, being perfectly conscious he and his Colleagues would, by their decision, be acquitted of all intentional wrong-doing or discreditable conduct.

Sir JOHN PAKINGTON: Sir, I have listened to the two speeches that have been addressed to the Committee by the hon. Baronet the Member for Southwark (Sir W. Molesworth), and the hon. Gentleman the Member for Cockermouth (Mr. Aglionby, with a deep feeling of pain, as regards this subject, in which I think the Committee also must have participated. Having heard the speech of the hon. Baronet, I felt that the better course to take was to remain silent until I should have heard a reply to that speech from some hon. Gentlemen connnected with the New Zealand Company. Having heard the accusations of the hon. Baronet, and the reply of the hon. Member for Cockermoth, I think I shall be able to show the Committee that there can be no occasion for continuing this discussion; that the question at issue can have no bearing whatever on the proposition which I have made to the Committee, and therefore I hope the Committee will not be led away from the consideration of the Bill now before it. Whatever differences may exist between the hon. Gentlemen, may be made matter of inquiry. Hon. Gentlemen charged with fraudulent practices are naturally anxious to demand inquiry, but then that is not the question before us at present. The only matter of accusation advanced by the hon. Baronet to which I shall address myself is this, that I have given the Company better terms by this Bill than they merited, or are entitled to, inasmuch as that by the Act of 1847 terms were obtained of a favourable nature from the then Government, owing to the concealment by the Company of their liabilities from Government. The hon. Baronet the Member for Southwark supports that accusation by saying that the Company first obtained the opinion of an eminent counsel, which being adverse to them, they proceeded to take the opinion of another learned counsel, whose character was under some suspicion, and whose opinion being favourable, the Company palmed it off, suppressing the unfavourable opinion; and that in this manner the Company obtained better terms than they otherwise would obtain. The hon. Baronet, having made that accusation, infers that consequently the New Zealand Company is now only entitled to the bare terms of the Act of 1847. That I understand to be the position of the hon. Baronet. This accusation the hon. Member for Cockermouth (Mr. Aglionby) indignantly repudiates, with all the feeling natural to any Gentleman charged with being a party, however indirectly to such a transaction, as well in his own behalf as in the name of the New Zealand Company. The hon. Gentleman also stated that, whatever the shade on the character of the learned counsel, he was a man of great eminence as a lawyer, and entitled to the deepest respect. Under these circumstances I ask the Committee if it can be possibly considered that I can come forward and act judicially just now, years after the transaction; and when urging a Bill for a different purpose, to ask this House, when deciding on this Bill, to act judicially in these proceedings, and thus by our vote condemn one party or the other? Now I consider I am bound by honour and justice to abide by the construction which my predecessor (Earl Grey) put upon this transaction. Whatever may have been the impositions, as regards the arrangement of 1847, surely this House will admit that nothing is so inconsistent as that an individual in the position of Earl Grey—possessing his ability and experience, with ample opportunity of arriving at facts—nothing, I repeat, can be more inconsistent than to suppose that he was not only deceived in 1847, but that he continued to be imposed upon for three years longer, and that after the Company had surrendered their Charter he proceeded in 1850 to put this construction upon the terms of the Act of 1847 with regard to the claims of the New Zealand Company under that Act. Can, I then, as promoter of this Bill, act judicially between the parties? It seems to me perfectly clear that it is the duty of this House to look to the Act of 1847, and to the transactions that afterwards took place—to the surrender of the Charter by the Company in three years after, and to the purchase of the rights of the Company by the Crown for 268,000*l.* I must confess that, after hearing the various discussions that took place in this House, and weighing the subject maturely and impartially, I feel it my imperative duty to take care that, in justice, the New Zealand Company shall not be sufferers by the Act of 1847. I must first look to the Act of 1847, and next impartially examine what is the fair and true construction of that Act. The hon. Baronet the Member for Southwark says—"Leave the New Zealand Company to the Act of 1847." Now, though that looks very well, yet every person who has studied the Act is aware that there is a particular clause so defective, owing to the manner in which it is drawn, that it really cannot be carried into effect. That clause lays down that every pound realised by the sale of land shall be divided into three parts—one for emigration, one for survey, and the remaining balance handed to the Company. But the Company very naturally say, "If you hand us over to the mercy of the new Legislature, we know not how they may treat us—they may leave us no balance at all to divide, having previously spent the receipts on emigration and surveying." As regards the construction put by Earl Grey upon this Act, it is not for me to say that that noble Lord overstrained his duty in giving that construction. I believe he took a fair and conscientious view of the matter; and to that opinion I shall adhere.

Mr. VERNON SMITH said, his opinion from the first had been, that it would be preferable not to proceed with this Bill without some inquiry; and certainly, if they were to go into the consideration of the question which had been raised by the hon. Member for Southwark, the proper course would have been, before coming to any resolution upon it, to have submitted it to a Committee of the House. He did not think that the right hon. Baronet the Colonial Secretary had given any sufficient reason for a departure from the Act of 1847. He said himself that the clause which he introduced he had found in an Act intended for a totally different purpose. Why then introduce it here? The right hon. Baronet said, that he was bound to do so, because he was creating a new Legislature in New Zealand; but that was no reason, unless he were creating a Legislature which he entirely distrusted. The simple question for them to decide was, whether they should put the New Zealand Company in a better position than they were in 1847, because the right hon. Baronet could not deny that the clause which he now proposed did place that Company in a better position. By the Act of 1847 their claim was indefinite; it was merely a claim after the expense of surveys and emigration, and it might be large or small; but the claim which the right hon. Baronet now gave them was fixed and definite, from which there was no departure. That Company, he contended, without meaning, of course, to impute any bad motives, had been throughout merely a trading Company, and he argued that they had no claim whatever upon this country. Could they show that they had made any sacrifice for the public good? They had sacrificed their money in a bad speculation, he admitted, and that had been strongly represented by the present Chancellor of the Exchequer in 1847, when he described them as an insolvent Company, and spoke of them as "destitute shareholders." If that were the case in 1847, he was afraid that their position was not much improved in 1852, for he found that their scrip was at a discount of something like seventy-five per cent. The Company then had no claim beyond that of strict justice. Strict justice had been done them, as they themselves considered, in 1847; and he saw no reason for departing from that Act, unless the Government had the most utter distrust of the integrity of the new Legislature, which, by the present Bill, they were creating. If, therefore, the hon. Member for Southwark divided, he must divide with him.

Mr. F. PEEL said, the right hon. Gentleman who had just sat down had complained that no reason had been given why, in the present Bill, there was a departure from the arrangement made in the Act of 1847; and as the arrangement included in the present Bill was made under the auspices of Earl Grey, when he (Mr. Peel) held a subordinate appointment in the Colonial Office, he might be allowed to state briefly why he considered that that arrangement deserved the support of the Committee. There was no doubt of the existence of a debt due to the New Zealand Company. He thought the hon. Member for Southwark had shown no ground why they should in any way repudiate that debt, and it seemed to him the question for them to consider was, how they could discharge it with the least burthen to the colony of New Zealand. There could be no doubt that the Imperial Treasury should incur no liability with respect to it. It was equally clear that it could not be charged upon the general revenue of the colony of New Zealand. The debt had been charged upon the land of New Zealand, and he presumed that by the land it ought to be discharged. The Committee had two courses before it—the plan of the Government, and the plan of the hon. Member for Southwark. The hon. Member for Southwark appeared to think that the plan of the Government was all in favour of the Company, and all to the detriment of the colony. To him (Mr. Peel) it appeared on the other hand to be not unattended with considerable sacrifices on the part of the Company, while it was of obvious benefit and advantage to the colony. He set aside altogether Canterbury and Otago as special cases, and dealt with specially by this Bill. With those exceptions, the land of the colony was situated either within or without the settlements of the Company. As to the land within those settlements, the Company were entitled to receive 5*s.* for every acre of land which was sold; and that right had been guaranteed to them by an Act of Parliament so late as last year. According to the plan of the Government, they consented to abandon that right, and agreed to accept one-fourth only of the price of the land. The General Assembly might, and no doubt would, reduce the price of the land, and the consequence would be that the Company would receive less than both in law and equity they were at present entitled to receive. That, he conceived, was a sacrifice on the part of the Company which entitled them to some consideration. With regard to the land which was without the Company's settlements, the Act of 1847 stipulated that the proceeds of the land sales, after deducting the outlay on surveys and emigration, should be applied to the discharge of the debt due to the Company. Under the new arrangement comprehended in this Bill, the Company would receive a fixed share of one-fourth part of the proceeds; but if this was advantageous to the Company, it was not less so to the colony. By the course which the Government had taken, they had opened the way for expending a portion of the proceeds of the land sales on other purposes than surveys and emigration. At present they could not expend money in any other purposes; but by this arrangement they had opened up other ways, and, no doubt, the General Assembly would expend it in the improvement of the agricultural districts, in the construction of roads, the erection of public works, and other useful purposes. Upon these grounds, he thought that the late Government were justified in making the arrangement at which they had arrived.

Mr. MANGLES said, after Earl Grey had given the New Zealand Company a deliberate acquittal on the charges brought against them, every man of honour must protest against being again arraigned on such charges. He was as anxious as any one that the Colonists should have the full and speedy benefit of the Bill, and would not willingly take any step calculated to postpone its passing. With respect to the arrangement of 1847 and the Act of 1847, the negotiation of the Government was conducted by the late Mr. Charles Buller, the then Judge Advocate, who was entirely cognisant of the affairs of the Company, none of which could have been concealed from the Government. The hon. Baronet (Sir W. Molesworth), in throwing dirt upon the Company, was throwing far more on a gentleman who was his personal friend; and if he felt thus disposed to treat his deceased friend, how would he be likely to treat his living enemies? The hon. Baronet had been, as he (Mr. Mangles) was, a director of the New Zealand Company, but when they were in difficulties in 1843, the hon. Baronet found it inconvenient to remain with them, and left them in the lurch. He (Mr. Mangles) would not leave those gentlemen, with whom he had been associated for many years, in their difficulties, but would stand by them to the best of his humble ability. And now he turned from personal matters to the claim before the Committee. The hon. Baronet had stated that the Company considered they had not only a legal claim but a moral one upon the proceeds of the waste lands. The Company had never asserted such a claim. They had asserted a legal claim under the Act of 1847; they had a legal claim under it when it was equitably read. If they were left in the same position, they would be content without this Clause, but they were not to be so left. At the present time the New Zealand Company had money owing to them from the Colony, which they had continually asked for, but could not obtain; and if, now that they looked to the Colonial Office for payment of their mortgage money, they could not get it, because the Colony had not remitted it, was it reasonable to expect that when the matter was left entirely in the hands of the Colony, they would be able to obtain their money? All that the Company asked for was some better security that they might obtain all they were entitled to.

Mr. GLADSTONE: Sir, I do not wonder at all that the Committee and the Members of the Government should be desirous to arrive at a decision on this question; but while I am aware that it is one of the most unpalatable subjects of discussion to which a Committee has ever been doomed to listen, I must also say that it is one of extreme difficulty and delicacy, and that the Committee would not be justified in letting the matter pass without taking every pains in its power to arrive at a just decision. Now, there are, as I stated at the commencement of the evening, four modes of proceeding before the House. The first is that which is embodied in the Bill, according to which it is proposed to give to the Legislature of New Zealand the control over the waste lands in the islands, subject to the obligation to pay 5*s.* an acre to the extent of 268,000*l.* to the New Zealand Company. The second plan is to transfer the waste lands, and still to leave them subject to the obligation to the Company; but to alter that obligation from an absolute payment of 5*s.* per acre to a proportional payment of one quarter of the gross proceeds, whatever they may be. The third plan is that of the hon. Baronet the Member for Southwark (Sir W. Molesworth) who proposes to carry over to the

Legislature of New Zealand the control over the waste lands, leaving the command of the proceeds of their sale and the claims upon them precisely as at present. Then there is a fourth plan, which has not been mentioned in this debate, though I understand it has found favour in several quarters—to postpone the consideration of the land question to another year. Now, I have the greatest difficulty in making a choice amongst these four plans. I frankly own that, while I am most anxious, and I trust I have shown that anxiety, to promote the passing of the present Bill, yet, differing from several Gentlemen here who are connected with the New Zealand Company, and differing likewise from the Government, I am deliberately of opinion that both the plans proposed by the right hon. Baronet the Secretary of State for the Colonies—that is, both the absolute payment of *5s.* an acre, and likewise the rated payment of one-fourth of the proceeds—are more than the New Zealand Company is justly entitled to under the Act of 1847. I entirely accede to the principle that we are not, by any proceeding that we now take, to damage the position of the Company; but on the other hand I must entirely protest against bettering the position of the Company at the expense of the Colony. Now the present position of the Company is, that they have a claim upon the proceeds of the land sales, after discharging out of them, first, the cost of surveys, and, secondly, the cost of emigration. Then it is alleged that there is a letter of Earl Grey's, in which he values the claim of the Company at *5s.* an acre. Now I object to that valuation, and it is quoted against me as an authority. I object to the authority of Earl Grey to fix it. I say that the Statute gave him no such power, and it is in vain that the right hon. Baronet the Secretary of State tells me that we are bound by good faith, because Earl Grey has entered into this engagement. That may, indeed, be an engagement affecting Earl Grey, and affecting Earl Grey's Administration while he is in power. [Mr. Mangles: Hear, hear!] Well, Sir, the hon. Member utters a derisive cheer at that, but does he mean to tell me seriously that a Minister has power to promise away the public money without the authority of an Act of Parliament? [Mr. Mangles: Hear, hear!] If the hon. Gentleman will allow me to get to the end of my sentence, I will tell him why Earl Grey has made no compact, and has not bound the public faith; it is because the Act of Parliament gave him no such power. The Act of 1847 did not say that the Secretary of State should have the power to fix at a given rate the claims of the Company, but that the cost of the surveys and the cost of emigration should be defrayed; and the Law Officers of the Crown have told you that Government were authorised by the Act, and were therefore bound, to fix the cost of emigration from time to time according to the exigency of the Act of Parliament. That is the meaning of the Act of Parliament for which I contend; and if I am right in my construction of it, it is perfectly obvious that when Parliament thought proper to fix upon this fund charges which must necessarily vary from time to time, and must be satisfied to the full extent of the public service, the Secretary of State went beyond his power in changing that undetermined charge upon the fund to a determined one. And therefore, whatever responsibility he may have incurred to the New Zealand Company, the doctrine that the public faith is implicated is totally without foundation. I do not wish to damage the New Zealand Company—I wish to appreciate their claim in what is, in my view, a most liberal proposal; and I think that we should do so by combining the two propositions, and providing that they shall have a one-fourth of the gross proceeds subject to this condition that that shall never exceed *5s.* an acre. I think that if their position under that arrangement be compared with what it is under the present one, it would be found to be improved rather than deteriorated by the change. Without the limitation to which I have referred, it is impossible for me to accede to the proposition in the Bill as it now stands. But then comes the proposal of the hon. Baronet the Member for Southwark (Sir W. Molesworth), who says that the New Zealand Company have a legal but no moral claim, and that their legal rights and no more should be secured to them; and he contends that he does this by handing over the management of the lands to the Legislature of New Zealand, at the same time leaving the claims on the proceeds as at present. Now, the weak point in his argument seems to me to be this—he admits that they have a moral claim, which should be satisfied if it were not for the fraudulent suppressions by which he considers that they obtained the Act of 1847. The difficulty I feel is this. My hon. Friend is certainly not responsible for our want of information now, nor are Her Majesty's Government, for it was not possible to produce the papers necessary to enter on this discussion. But when he proposes thus to cut off the moral claim of the New Zealand Company—which he grants they would have if it was not for these proceedings—he virtually asks the Committee to spring to a decision upon these charges against them. I must say that he has made very serious charges against them, but I cannot join in any censure upon him for taking that course. If it is true that he was a director of the Company when these proceedings took place, that might be a matter between him and the Company, but it would not derogate from the credit due to him for his conduct in this House. If he chooses to vindicate the public interest against himself, that is the worst construction that can be put upon his conduct; and, so far from censure, I think that he is entitled to credit for what he has done. Still, that is no reason for coming to a sudden and precipitate decision upon the question. We are, however, involved in this serious difficulty, that the compact, upon the basis of which we stand, and the terms of which it is proposed we should construe afresh, is declared by him in his place to have been acquired by fraudulent representations. I think that if he makes good his allegations, they would leave the compact itself in a very questionable position, and that it would be very hard for the Company, as a public body, to claim that the terms of the compact should be adhered to, if it could be shown that it had been obtained by a fraudulent suppression of the truth. But whatever I do, and however I feel the difficulty of the case, I cannot—in the endeavour to choose the least amongst many difficulties—consent to what I think so decided a violation of principle, as to proceed on a statement from him which we have not had the means of checking, and to which those whom it affects have been necessarily without the means of making a good answer, as if it definitely concluded the whole case. Whatever I do, I will not be guilty of an injustice like that. I say that to hand over the management of the Legislature of New Zealand, without altering in any respect the present claims upon the land fund, would decidedly be to punish the New Zealand Company, and that too before trial. Now, to postpone the whole matter to another year, would be just as regards the Government; it would be a great relief to the Committee, and we should get out of a difficulty for the present, and have a future opportunity of weighing these charges and coming to a deliberate opinion upon them; but then, again, it is certainly most desirable that the lands should be handed over to the Colony. If it were the judgment of this House that the subject should be postponed, I might be induced to acquiesce in that judgment; if on the other hand the right hon. Baronet the Secretary of State were disposed to make, and the New Zealand Company to accept, such an arrangement as that the Company should have a claim upon this land to the extent of one-fourth, subject to a maximum of 5*s.*, to that I would accede. But I must say I cannot accede to any plan but one of these two. I cannot accede to a plan which should simply hand over these lands to the Legislature of New Zealand, retaining the Act of 1847 in other respects, because I think it would be unjust to the Company; and I cannot accede to the absolute proposal to give the Company a quarter of the proceeds of the land sales, because I think it would be unjust to the Colony—unjust partly because it gives them a great deal more than in any market their present claim would be valued at, and partly on account of the extreme inequality with which it would fall upon the different districts—levying upon Otago 10*s.* an acre, and on Canterbury not less than 15*s.*, for the benefit of the Company; payments which I think altogether disproportionate to their fair claims.

Mr. J. A. SMITH said, that the Bill would not have this effect, as it would leave untouched the existing arrangements with respect to these two settlements.

Mr. GLADSTONE: Still there are many lots of land to be sold where the price would run above 1*l.* an acre, and where the payment to the Company would therefore be above 5*s.* I think that is more than upon an equitable construction of the claim the Company is entitled to receive, and therefore I cannot be a party to that.

Mr. J. A. SMITH said, he must express his regret at the manner in which the hon. Baronet the Member for Southwark had brought forward these charges against his former Colleagues, and his surprise that he should have done so without any previous communication with those whose characters they were calculated so seriously to damage, and without seeking in the quarters where it would have been most readily afforded to him, the most complete and minute explanations in answer to any inquiries which he might have thought fit to make. He wished to draw the attention of the Committee to the fact he had previously spoken about, that the arrangements between the Company and the settlements of Canterbury and Otago remained untouched, either by the Act of 1847 or the present Bill; and that the arrangement with regard to the proportion of the proceeds of the land sales, which was to be paid to the Company only referred to districts in which the arrangements between the Company and the settlers had expired. The inequality referred to by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) would not therefore arise. He hoped the Committee would listen with indulgence to the suggestion of the right hon. Gentleman that this question should be postponed to another year. As far as his own personal feelings went, he was prepared to resist to the utmost of his power any settlement which left these charges upon his character as one of the directors of the New Zealand Company unexplained and unrefuted; nor could he consent that the land should be handed over to a new body until the claims of the Company had been arranged.

SIR JOHN PAKINGTON said, that he could not consent to separate the land clauses, neither could he give his assent to the proposal for handing over the land without providing for the satisfaction of the claims of the New Zealand Company; and still further, he could not consent to strike out the whole of the land clauses. With these opinions he felt it his duty to press the clauses as they stood in the Bill.

SIR WILLIAM MOLESWORTH said, that not one of the charges which he had brought forward against the directors had been met. He denied that he had brought the subject forward without due notice, and he should be fully prepared to support them upon any other occasion. It was not his intention to divide the Committee on his Amendment.

Amendment *negatived.*

SIR JOHN PAKINGTON proposed to substitute for the words "sums after the rate of 5*s.* for each acre of land so sold or alienated," the words "one-fourth part of the sum paid by the purchaser in respect of every such sale or alienation."

SIR WILLIAM MOLESWORTH said, in his opinion "one-tenth" ought to be substituted for "one-fourth" in the Motion of the right hon. Gentlemen (Sir J. Pakington), on the ground that if the colonisation speculation of the New Zealand Company had succeeded, their beneficial interest in the proceeds of the land sales would have been equal to one-tenth instead of one-fourth.

SIR JOHN PAKINGTON said, the circumstances under which the Company might have been at one time entitled to claim one-tenth of the proceeds were totally different now.

MR. AGLIONBY believed that the right hon. Gentleman (Sir J. Pakington) intended to do justice towards the Company, but in that particular he gave them a very short measure of it.

Amendment *agreed to.*

MR. GLADSTONE said, he now proposed to add words subjecting that payment of one-fourth to the limit of a maximum. He thought, when they had the case of a body who had a large indeterminate claim, with imperfect remedies, the best mode of dealing with that claim was to get rid of the matter so indeterminate, and to give the New Zealand Company a perfect command and certainty as to what they were to have, but at the same to bring the burden within reasonable limits. He was not at all sure that the Legislature of New Zealand would consider themselves strictly bound in honour by our Legislature. He thought the New Zealand Company was entitled to expect that we should give them provision that their claim should be in no way liable to evasion, especially that we should give them that which we intended to secure to them. He must, however, confess he thought the amount which the clause, as it at present stood, proposed to give them, was too large. He proposed, therefore, to insert words to the above effect following those to which the Committee had just assented on the Motion of the right hon. Gentleman (Sir J. Pakington).

Amendment proposed, in p. 21, l. 24, after the word "alienation" inserted, to insert the words "but so that the said payment shall in no case exceed five shillings per acre so sold or alienated."

MR. MANGLES said, he was satisfied that if the New Zealand Company brought their case, under the Act of 1847, before a Court of Equity, they would obtain a much larger measure of justice than the right hon. Baronet the Colonial Secretary was disposed to mete to them. The proposition of the right hon. Gentleman (Mr. Gladstone) was unjust, because it fixed a maximum, while it did not fix a minimum. Sooner than agree to this Amendment, he (Mr. Mangles) would ask the Committee to restore the New Zealand Company to its original position, and give them back the land of which they were formerly in possession.

Sir JOHN PAKINGTON said, he felt the extreme injustice of fixing so low a maximum as *5s.*

Mr. J. A. SMITH would suggest that the sum to be paid to the New Zealand Company for all lands, both town and suburban, should be fixed at *5s.* That arrangement would, he believed, be acceptable to the Company.

Mr. ADDERLEY said, he believed that the proposition which had been just made would be favourably received by the inhabitants of the Canterbury settlement.

Mr. GLADSTONE said, he wished to know whether the New Zealand Company were protesting parties against the Bill as proposed by Government, or merely against his Amendment. If they protested against the whole Bill so far as it related to them, he, for one, was not prepared to legislate compulsorily for them, and in that case he would withdraw his proposal.

Mr. AGLIONBY said, he must decline to say whether or not the Company were protesting parties against the Bill. They found themselves in such a position, that they thought it best to take whatever they could get.

Sir JOHN PAKINGTON said, that he never understood the New Zealand Company to be protesting parties against the Bill.

Mr. GLADSTONE wanted to know, were the Company, or were they not, consenting parties to the arrangement proposed by the Government? Unless he was informed on that point, he was not prepared to legislate.

Mr. AGLIONBY would not say whether the Company were consenting parties or not, to the arrangement proposed by the Government, but he would be quite willing to take everything that he was forced to take.

The CHANCELLOR of the EXCHEQUER thought that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) pressed a little too hard on the Company in asking them to state whether they protested against the proposal of the Government.

Mr. GLADSTONE said, that under those circumstances he should press his Motion.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 51; Noes 120: Majority 69.

Clause *agreed to;* as were the remaining Clauses.

House resumed.

Bill *reported.*

FROME VICARAGE.

Mr. HORSMAN said, he would now beg to nominate the Select Committee on Frome Vicarage. ["Oh, oh!"] He hoped the House would allow the Motion to proceed, as, unless the Committee were nominated to-night, it would probably be delayed till Monday, and it was most desirable to avoid anything that might give rise to an impression out of doors that the House wished to shirk the inquiry. He had endeavoured to make the Committee as fair a representation of both sides of the question as possible. He was sorry to find, however, that the hon. and learned Gentleman the Member for the City of Oxford (Sir W. P. Wood), the hon. and learned Member for the University of Cambridge (Mr. Loftus Wigram), and the hon. Member for South Leicestershire (Mr. Packe), declined to act; but he was quite ready to substitute such other names in lieu as might be suggested. The names proposed by the hon. Member were—Mr. Horsman, Mr. Secretary Walpole, Sir David Dundas, Mr. Gladstone, Mr. Strutt, Sir William Page Wood, Sir Benjamin Hall, Mr. Solicitor General, Mr. John Abel Smith, Mr. Loftus Wigram, Mr. Evans, Mr. Packe, Mr. Langston, Mr. Newdegate, and Mr. Shafto Adair.

Mr. WALPOLE said, that without intending to thwart the decision at which the House had arrived on this question, he could not, on the part of the Government, assent to a Committee the composition of which was unknown to the House. Not only had the hon. and learned Member for the City of Oxford (Sir W. P. Wood), and the hon. and learned Member for the University of Cambridge (Mr. Loftus Wigram) voted in the minority, but the other hon. Member (Mr. Packe) had done so; and for these Gentlemen the hon. Gentleman had named no substitutes. Now, he did not wish to make any stronger observations than the case deserved; and, therefore, he would confine himself to saying that when the Government saw two such men as the hon. Members for the City of Oxford and the University of Cambridge excluded from the Committee, they could not consent to the Motion, unless two names equal in weight were substituted. The hon. Gentleman had remarked that the Government should use their influence to induce those hon. Gentlemen to serve on the Committee. He begged to say, he had done so, and he had failed. In conclusion, he trusted the hon. Gentleman would not press his Motion for the appointment of a Committe that night.

Mr. GLADSTONE said, that his name appeared on the list of the Committee, but nothing, save the express order of that House, would, induce him to serve on it, and for this reason, that that House had not been led to act on a constitutional principle. The hon. Gentleman (Mr. Horsman) had brought certain charges against the Bishop of Bath and Wells—a high officer of the State, and acting judicially—for a breach of the law and corruption in the exercise of his office. If those charges were proved, they carried with them an impeachment. And with regard to the impeachment and matters of a minor character, it was the uniform and recognised practice that when that House proceeded to entertain such charges, they should be brought forward in a definite and tangible form. It was the uniform practice that the man who was charged in that House by a Member of the House, in reference to the exercise of his judicial office, founded on perverse motives or deliberate purpose, should know whether he was or was not acquitted of the charge brought against him. No such security was afforded by the hon. Gentleman's proposition. Before he could vote for the proposition he required a security that they should know whether the Bishop of Bath and Wells did that of which he stood charged. Under any circumstances he must have served on the Committee with the greatest pain and reluctance; but he totally protested, unless on the order of the House, to proceed with the grave charges made against a great officer of the State acting judicially, unless those charges were defined. And therefore, acting on precedents and on the principles of uniform practice, it was his intention, at the proper time, to move that the hon. Member for Cockermouth (Mr. Horsman) should reduce into heads, or articles, the charges made against Richard, Bishop of Bath and Wells, and that he should present the same to the House. It was his object to defend the Bishop of Bath and Wells from the charges made against him, and therefore he would, in the event of his Motion being carried, move that the heads of the charges should be laid on the table of the House, and then be referred to the Committee, who should be instructed to report their opinion to the House. This would, in effect, in no way limit the views of the Committee on any subject now included in the charges, but it would ensure their examination into those charges in a judicial form, and would guarantee to the Bishop of Bath and Wells the privilege which every British subject enjoyed—that of knowing whether the charges made against him had been proved or disproved.

Mr. E. ELLICE would suggest, that after what had fallen from the right hon. Gentleman opposite (Mr. Walpole), his hon. Friend should not proceed with the nomination of the Committee, the composition of which was unknown to the Government. His sole object in supporting his hon. Friend's Motion was to remedy a great grievance, but not to found an impeachment against the Bishop of Bath and Wells.

Mr. SIDNEY HERBERT said, he thought his hon. Friend had forgotten the circumstances of the Vote of the other night. There was a distinct proposal to examine into the state of the law, which the hon. Member for Cockermouth (Mr. Horsman) refused, and which at his instance the House negatived, and the hon. Gentleman stated that there were charges brought against an individual which that proposal was meant to get rid of. He (Mr. S. Herbert) said, in common justice to the Bishop of Bath and Wells, who had been charged with malversation—in common justice to the culprit—let them have the charges stated in writing, that they might know what they were, and whether he was guilty or not.

Sir BENJAMIN HALL said, he did not wish to shuffle out of the charges that had been made. The hon. Member for Cockermouth had made certain charges, which he believed to be correct, and it was only fair he should be allowed an opportunity to prove them. In justice, therefore, to all the parties concerned, it was right that a Committee of men of the highest character and standing in that House should report upon the charges. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had called the inquiry an impeachment of one of the highest dignitaries in the Church. If this were really the case, it would be better that the hon. Member for Cockermouth should, in the course of to-morrow, see the Government, and endeavour to get such a Committee appointed as would give satisfaction to the country. He believed that suggestion, if carried out, would be more satisfactory to all parties concerned.

Mr. SIDNEY HERBERT said, in explanation, that he had not intended to charge the hon. Member for Cockermouth with a desire to shuffle out of the charges; what he had intended to convey was, that the House ought not to put itself in a false position with reference to the matter.

Sir WILLIAM PAGE WOOD said, that he had not been applied to serve on the Committee, and was not aware that his name had been put on the list; but when he heard that he had been named he declined to serve.

The CHANCELLOR of the EXCHEQUER said, that the Government did not at all complain that the hon. Member for Cockermouth (Mr. Horsman) had not sufficiently consulted them on the subject. His own opinion was, that the resolution to which the House had come, was an unfortunate one; but, having adopted it, the Government desired that the inquiry should be full and impartial. What, under the circumstances, he would suggest to the hon. Member for Cockermouth was, that he should ask the permission of the House so to alter the terms of his Motion, as that inquiry should be made into the grievances of the existing law, and not into the conduct of an individual, whom all now seemed to be anxious to hold free from attack. By adopting this suggestion, he (the Chancellor of the Exchequer) thought the House would disengage itself from a very embarrassing situation, and place itself on a better footing with respect to the inquiry.

Mr. HORSMAN thought it would be more desirable they should come to some understanding as to the nomination of this Committee before the House adjourned.

Motion made, and Question proposed, "That Mr. Horsman be one of the Members of the Select Committee on Frome Vicarage."

Sir B. Hall

Whereupon Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, June 11, 1852.

Minutes.] Public Bills.—1ª Navy Pay; Poor Law Commission Continuance (Ireland); Trustees Act Extension.

3ª Public Works; Industrial and Provident Societies.

COMMITTEE OF COUNCIL ON EDUCATION—THE MANAGEMENT CLAUSES.

The Marquess of LANSDOWNE: I wish to ask the noble Earl opposite (the Earl of Derby) a question, on the subject of which I have given him notice, which is, whether any Minute has been agreed to by the Committee of Privy Council on Education, effecting or proposing to effect any alteration in the administration of the public grant voted by Parliament for educational purposes?

The Earl of DERBY: In answer to the question put to me by the noble Marquess, of which he was kind enough to give me notice, I beg to state that a Minute has been agreed to—that is to say, a Minute has been agreed to in substance, though not yet in exact words, which will make some alteration, and effect some relaxation in the stringency of some portions of what are called the management clauses affecting schools connected with the Church of England. It is not proposed to make any alteration with respect to the management clauses themselves; but it is proposed with respect to the grants to certain schools, that certain words should be introduced in the alternative in lieu of certain words in the management clauses, and to provide that parties who may avail themselves of this option should not be disqualified in consequence from receiving any portion of the funds appropriated by the Government to the purpose of education. As I said before, the precise form of words has not been definitely agreed upon; but as soon as they are, I shall have great pleasure in laying the Minute upon your Lordships' table.

The Marquess of LANSDOWNE: I did not intend to raise any discussion upon the subject on this occasion, and I certainly do not wish to pronounce any opinion whatever on the subject of those alterations, because I am the last man to say that some alterations may not be very properly made from time to time in the regulations under which the grants are distributed. What has induced me to put the question to the noble Earl is, that that alteration, which has been described by high authority as an important one, has been made under very peculiar circumstances. Now, my Lords, it is only a very few days ago that a Vote was proposed in the other House of Parliament for applying a portion of the public money to this grant. It has been hitherto uniformly the custom, when any material alteration has been made in the condition of these grants, to lay that alteration forthwith before Parliament. I regret exceedingly that the present important alteration was not communicated to the House of Commons, nor any intention expressing of making such alteration at the moment when the other House was called upon to provide for this portion of the public service. This branch of the public service was so provided for no doubt upon the conviction that no such alterations was intended. I do not say whether the proposed alteration is a fitting one or not; but be it the very best of all alterations, which I assume it to be, the other House of Parliament had the right to be informed upon the subject before it voted the money. And I will take upon myself to say that while I was a Member of the Council on Education, in no one case did it ever occur that immediately subsequent to the voting of money for that branch of the public service, any alterations were made. On the contrary, the greatest care was always taken to communicate any such alteration from time to time; but, above all, to communicate it immediately before calling upon the other House to vote any portion of the public money for that purpose. I must say that the House of Commons have not, in the present case, had not that opportunity which they always have had, and which they have a right to have afforded them, namely, of obtaining the information for which the money is required, and the mode in which it is to be applied for the public service. It was not till after this Vote was obtained—it was agreed to on the 3rd of June, and reported on the 4th—that any intimation of the proposed alteration of the Minute was made. It was not till the money was secured from the other House that that intimation was made, and then, not even to the House of Commons, but to another quarter, where it was probably supposed it would receive a more hearty reception.

The Earl of DERBY: I hope the noble Marquess does not intend to impute to Her Majesty's Government that they have been actuated in the course they have felt it their duty to pursue, by any unworthy desire of deluding or deceiving this or the other House of Parliament. We have had frequent representations made to us, similar representations were also made to the noble Marquess when he was at the head of the department on this subject. Complaints were presented, as we thought then, and as I think now, well-grounded, just complaints, upon the part of members of the Church of England, that with respect to the stringency of the regulations of the management clauses, they were not placed upon a footing of equality with other religious denominations to which aid was afforded from the grant. We have never concealed our opinion that in that respect the Church of England have cause to complain of the stringency of those clauses; and at the very earliest period at which it was possible for us to take these clauses into our consideration we entered into consultation with the Education Committee, with the view of seeing if whether—keeping in view the principle of perfect fairness and equality among the various denominations, and maintaining the principle of the management clauses—it was practicable to introduce such amendments and alterations as would meet well-founded objections, and remove what we considered to be a legitimate cause of complaint. We have not in the slightest degree altered the existing management clauses; but where liberty has been given to other denominations with respect to the religious and moral education of the people, we have not thought that the Church of England was making an extravagant or unreasonable demand if they required that the same liberty which was given to other denominations should be enjoyed by members of the Church of England also. My Lords, I quite agree with the declaration of the noble Marquess that is the duty of those who are charged with the administration of those funds to give the earliest information to Parliament of any alteration which they may purpose to effect in the terms on which they are granted. At the same time I presume the noble Marquess does not go so far as to contend that, before the terms of a Minute are actually agreed upon by the Committee of Privy Council itself, any communication should necessarily be made, not of the Minute agreed upon, but of the Minute which may at some subsequent period be agreed upon. And although the noble Marquess has said that he knows of no instance in which any important alteration has been made at a short period subsequent to the grant of the money, I take the liberty of informing him that in the course of the last winter the noble Marquess himself did by a Minute, which has only recently been laid before the House, introduce a very important alteration in the principle upon which this grant of public money is made, namely, that he consented to an endowment for the establishment of a school for the instruction of Jewish children at the expense of the British public. That is a very important alteration—a more complete alteration of principle than any which is involved in the amendments which we propose to make in the management clause, and which, when the noble Marquess has seen, I shall be perfectly ready to vindicate—I say that the proposed alteration is one of importance; but it is important only in this respect—that I believe it will have the effect, and that I conceive a most desirable effect, of removing well-founded dissatisfaction upon the part of members of the Church of England—of healing dissensions in the body of that Church, and materially increasing the amount which members of that Church can conscientiously profit by—that aid which is afforded by the country to all denominations, and which I think ought to be afforded to all denominations, with at least equal liberty.

The Marquess of LANSDOWNE: I regret that the noble Earl has so far departed from the strict answer to my question as to be led somewhat irregularly into a vindication of the proposed Amendments. I did not intend to argue this subject further than it relates to the immediate question which I took the liberty of asking; and that immediate topic the noble Earl has altogether avoided. This is not the House of Parliament to which the communication ought to be made. When the time comes that we shall be enabled to judge from the Minute itself how far the alteration is likely to affect the Church of England, I shall be fully prepared to go into that question; and I hope to be able to show that the Church of England was most advantageously situated under the existing management of this grant. With respect to other sects, any alterations in what are called the "management clauses with reference to the Church of England, must undoubtedly be attended with the consequence—the unfortunate consequence—of making alterations equally in the conditions attached to this grant with respect to other denominations. I wish, however, most distinctly to explain that the sole ground of my complaint to-night is, that whereas meetings of the Committee of Privy Council have been repeatedly held upon a question which the noble Earl has said has been repeatedly the subject of consideration of himself and his Colleagues since the appointment of the new Committee of Council—a subject with reference to which the noble Earl has expressed a strong sense of the importance of making these proposed alterations, both before and since he came into office, yet that these meetings have been held, and the subject repeatedly considered, entirely unknown to Parliament and the public until some time after the Vote had been obtained. And I once more distinctly state that there was no material alteration agreed to by the Committee of Privy Council while I had the honour to be connected with it, which was not communicated to the House of Commons before any vote of public money was asked for. The noble Earl has not stated the date at which the Minute was agreed to; but I think he will see that the proceedings upon this occasion are in the highest degree open to the objections which he himself has taken before now to the proceedings of the Committee of Privy Council not being laid before the House in time for Parliament to know how it ought to act with regard to them. In this case the House of Commons has been called upon to act in perfect ignorance of the intentions of the Committee of Privy Council upon a subject which the noble Earl himself says is one of the utmost importance, and which has occupied a considerble share of, his attention and that of his Colleagues since their accession to office.

Earl GREY: I should be glad to know whether it is intended that this new Minute, which is not yet quite complete in its wording, should take effect with respect to the grant of money which has just been voted by the House of Commons for the purposes of education; or whether it is intended to apply only to the vote of another year? I ask the question upon this ground: the House of Commons has been in the habit of giving a large discretion to the

Government with respect to the application of money voted for the purpose of education in England and Ireland. Upon the other hand, the Government for the time being have made it their duty to take care that when the House of Commons voted the money for this purpose, the House should be fully aware of the way in which the money was to be applied. The consequence has been, as the noble Marquess has informed you, that no change of importance was ever made in the regulations by which the money was applied, without its being done in such a manner as that the House should know of such alteration before the money was voted to which that alteration should apply. Now I perceive that the gentleman who has for many years served as Secretary to the Committee of Privy Council on Education, has, in a letter which appeared this day in the public newspapers, referred to these facts. He refers to one or two important alterations which have taken place in the regulations, and shows that great care was taken that those changes should be made at such times as that Parliament should understand them before any money was voted to which those alterations were to apply. In the present case the noble Earl opposite has informed us that the subject has been for some time under consideration; that it is an amendment of considerable importance; and that the substance of the proposed alteration was settled some time ago. Now, if the noble Earl had wished to adhere to what has hitherto been the practice in such cases, the course was perfectly clear. The House of Commons had not closed the Committee of Supply; there remained several votes of supply to agree to; and the natural and obvious course, if the noble Earl wished to keep the House informed, as in previous cases, of the means to which the money was to be applied, was to have deferred this vote until the other votes had passed, and in the meantime, having completed the wording of the Minute, to lay it upon the table of the House, and call attention to it before the vote passed. If the noble Earl intends that the altered Minute should take immediate effect, that was the straightforward, fair, and honest way of dealing with the other House of Parliament. I do not impute to the noble Earl any intention of that conduct which he seems to fancy has been imputed to him, but which it was not the intention of the noble Marquess to impute; but the noble Earl having omitted to take that course which in my opinion was necessary, if it is intended that the amended clause should take immediate effect, I think he will be wanting in that respect towards the House of Commons, and in the straightforward conduct which it has a right to expect, if the alteration is made to take effect before another year shall have gone by, and another vote of money has been conceded. The question, therefore, which I wish to ask is this: does the noble Earl intend, or not, that the grant which has just been made by the House of Commons shall be applied according to those rules and regulations which the House of Commons, in voting that money, believed to be in force, and not likely to be altered; or, is it intended that any changes shall, or shall not, take effect with respect to this particular vote, which were not known to the House of Commons at the time of voting the money.

The EARL of DERBY: I did not anticipate that any discussion of this nature would have arisen upon the notice of the noble Marquess of his intention to put a question to me on this subject. I am, consequently, not at all able to enter upon a discussion of the particular times of the year, and seasons, at which important alterations have been made in the rules laid down by the Commissioners of National Education; but if I am not much mistaken, many of the most important alterations and decisions which have been made by the Committee of Education have been made during the recess of Parliament, and consequently at a time when the Vote had been agreed to. I have no desire that the House of Commons should, in the slightest degree, be deceived with respect to the purpose for which any vote has been granted; and I am quite ready at once to say that under the Minute which is about to be issued, but which has not yet been issued, no sum of money shall be applied until the House of Commons has had full and ample opportunity of pronouncing its judgment upon the expediency or inexpediency of such alteration.

POSTAL CONVENTION WITH FRANCE.

The MARQUESS of CLANRICARDE put a question to his noble Friend the Postmaster General relative to the state of the negotiations with France on the postage question. Having explained the mode in which we were fettered by the treaty made with France on this subject in 1843, he proceeded to state that in 1850 he had made a proposition to France, which would have improved the postal communications between the two countries very materially, but which had nevertheless been refused by the French Government. He wished to know whether the negotiations on that subject had been resumed, whether they were still going on, and, if so, what answer had been given to our proposals by France?

The EARL of HARDWICKE considered that it was not only necessary for the convenience, but that it would also be very much for the advantage of both countries, that a reduction should be made in the expense of transmitting letters between England and France. He considered the proposition made by the noble Marquess to France was a very advantageous proposition to that country, and he was astonished that the French Government was not disposed to carry it out at once. Since his noble Friend had left office, the French Government had notified to him (the Earl of Hardwicke) that it would take his proposition into consideration. He hoped, before long, that he should receive a communication from the French Government, stating their willingness to accede to it.

TRANSATLANTIC PACKET STATION.

EARL CAWDOR, in putting the question of which he had given notice to Her Majesty's Government, had first to call their attention to the following paragraph which had appeared in the daily papers:—

> "THE NEW PACKET STATION COMMISSION.—Captain Charles Tyndal, of the Royal Navy arrived in Galway on Tuesday night, accompanied by his secretary, for the purpose of viewing and reporting on the capabilities of the port of Galway for a Transatlantic packet station. The gallant officer was out early the following morning making the necessary observations. Each of the three Commissioners appointed by Lord Derby's Government will separately visit the harbours of Limerick and Galway, and send in their respective reports."

He (Earl Cawdor) did not know whether there was any truth in this paragraph.

The EARL of DERBY: Not a word of it. We have sent out no Commissioner.

EARL CAWDOR: His noble Friend assured him that there was not a word of truth in the paragraph; and he was very willing to believe that Captain Charles Tyndal was not called upon to make any report on this subject. But "coming events," it was said, "threw their shadows before;" and he was not quite clear that Captain C. Tyndal might not yet appear bodily in that city for the object assigned to him, or some other gallant captain in his stead. He had hopes that the late discussion in that House had settled this question; but owing to this paragraph, and the perseverance with which certain noble Lords connected with Ireland always pursued the objects which they had once had in view, and owing to other circumstances which had come to his knowledge, he had now more fears than hopes; and, therefore, he felt compelled to put a question or two to his noble Friends near him. The object of the late inquiry ought not to have been what port in Ireland is the best fitted for Transatlantic navigation, but what port on the western side of the United Kingdom. Now, there had been no allusion made to anything of that sort by any other of the noble Lords opposite. The evidence and the report which had been founded upon it both showed clearly enough that no advantage would be gained by choosing an Irish port as a Transatlantic packet station, but that great evil and inconvenience would accrue to the commercial and travelling community from the adoption of such a proposal. Now they were threatened with a fresh inquiry, to decide whether Limerick or Galway would be the least inconvenient as a place of departure for America. He had already informed their Lordships that the Commissioners who conducted the last inquiry were precluded from inquiring into the practicability of selecting other harbours in other parts of the country; but it had somehow or other oozed out that Milford Haven was better suited for a Transatlantic packet station than either Limerick, Cork, or Galway. It had been shown that there was no harbour on the western coast of Ireland into which a vessel of any great tonnage could enter with safety in hazy weather. Now, the soundings in Milford Haven were so good that any vessel of any size might run into it either night or day. If we were to have another inquiry into this subject, he thought that the capabilities of Milford Haven ought to be included in that inquiry. He wished to ask the noble Duke near him (the Duke of Northumberland) whether he intended to proceed with this inquiry, and, if so, whether he would include Milford Haven in it?

The EARL of DERBY said, he could fully appreciate the desire of his noble Friend to have the merits of Milford Haven investigated, in the event of the Government instituting an inquiry as to the most desirable port for a new transatlantic station. He could assure his noble Friend that the merits of Milford Haven should not be lost sight of; but he must leave his noble Friend to balance them against the merits of Limerick and Galway, which were as eloquently advocated on a former night by certain Irish friends of his, as those of Milford Haven had been advocated that evening. His noble Friend had misapprehended the intention of the Commission of Inquiry now about to issue. First, as regarded the paragraph which his noble Friend had cited from the *Times*. It might be very true that Captain Tyndal was surveying and examining Galway Bay; but, if so, it was on his own behalf, and not on that of the Government. When he said just now that Government had not despatched a commissioner to Galway, he had said that which was perfectly true to the letter, for the appointment of the commissioners had not been signed till that morning by the noble Duke near him. Still it was intended that those commissioners should proceed to make forthwith a personal survey and examination of the western coast of Ireland. Their survey, however, was to be limited within very narrow bounds. Without in the slightest degree involving the Government in any pledge whatever as to the adoption of a packet station, they were desirous that one point should be cleared up by an examination on the spot, which appeared to be left in doubt by the late Commission of Inquiry on the subject. That commission reported that, among the places for a packet station on the west coast of Ireland, there were two to which they gave a decided preference over all others. They entered into a statement of the comparative advantages and disadvantages of the ports of Limerick and Galway; and there was a request that a commission should be appointed for the purpose of filling up what appeared to be a void in the previous commission, and striking the balance between the comparative merits of those two harbours. It was, therefore, thought desirable that officers should be appointed for the purpose of personally inspecting the harbours of Limerick and Galway, investigating the comparative merits of the two, and reporting thereon to the Government. It was necessary that that examination should be undertaken by naval officers, in order to determine what facilities there were for the entrance to and departure from those harbours respectively, for steamers of the largest class, at all times of the day and night, and at all times of the tide. The investigation of the commissioners was strictly limited to the comparative merits of the two harbours of Limerick and Galway; and that was owing to the late commissioners, in reporting upon the different harbours, giving a preference to those two, but without deciding in their own minds to which of the two the preference was due. He could assure his noble Friend that the Government would undertake no great work in reference to this subject without the fullest consideration of any claims which Milford Haven might put forth as to its means of communication with all parts of the United Kingdom.

The MARQUESS of CLANRICARDE said, whatever might be the merits of Milford Haven, there would undoubtedly be a saving of time, which was a matter of great importance, by the adoption of an Irish port. He accepted the statement with respect to the present intentions of the Government, but he was satisfied that, in the end, they would have to go a step forward.

CASE OF THE BARON DE BODE.

LORD LYNDHURST moved that a Select Committee be appointed to inquire into the allegations of the Baron de Bode's Petition, and to report thereupon to the House. Their Lordships would probably be alarmed at the mere mention of the name of the Baron de Bode. But he could assure their Lordships there was no ground whatever for such a feeling on the present occasion. From recent circumstances the case had assumed a very simple form; it was circumscribed within very narrow limits; and he should be able, he trusted, in the very plain statement he meant to make to occupy no very considerable portion of their Lordships' time. If, however, it were otherwise, he had had so much experience of their desire on all occasions to do justice, that he was quite sure they would cheerfully afford the time and attention necessary for forming a correct opinion on a question of this nature and importance. The outline of the case might be stated in a few words, almost in a single sentence. It was this—The Baron de Bode was a British subject; he possessed a large property in France; that property was confiscated by the revolutionary Government of France. At the time of the Peace a treaty was entered into between the King of France and the Government of this country, by which a large sum of money was paid over to the British Government for the purpose of giving an indemnity to British subjects whose property had been confiscated by the revolutionary Government of France. A considerable portion of that money remained still unapplied for the purpose for which it was given. The Baron de Bode, therefore, as a British subject, having had his property confiscated by the Government of France, claimed to be indemnified out of the remains of the money paid by the Government of France to the Government of this country for that very purpose. Simple as the case was, he had, by a series of misapprehensions and mistakes of the most extraordinary kind, been defeated in his attempt to obtain redress. Baffled in the attempts he had made to obtain redress by various applications he had made to the other House of Parliament, and at last worn out by his anxiety and exertions in reference to this case, he had sunk into the grave, transmitting his claims to the present petitioner, who was his son, his heir, and his personal representative. He (Lord Lyndhurst) hoped their Lordships would bear with him for a few moments while he said a word or two with respect to himself as connected with this case. He was present in their Lordships' House when, sitting judicially, they pronounced the late judgment on the case of the Baron de Bode. And he found no fault with that judgment—no other judgment could have been pronounced consistently with law, and he concurred in it. But in the course of those proceedings he felt so strongly the injustice which had been done to this gentleman, and the injuries he had sustained, that in a moment—rash perhaps so far as he (Lord Lyndhurst) was personally concerned—he undertook to bring the case before their Lordships. He did suppose at that time that he should have able to do it in the course of the last Session. His increasing infirmities, however, had prevented him carrying that wish into effect. But having once made the promise, he had felt himself bound under all circumstances to adhere to it, and to fulfil the duty he had undertaken. He had stated the plain and simple outline of the case. He would now fill up some of the details necessary for its more perfect comprehension. The father of the late claimant was a German by birth; he was in the military service of the King of France. He married a British lady—a Miss Kynnersley, the daughter of a Mr. Kynnersley, who resided on his own estate in the county of Stafford. He had a son—the late claimant—who was born in that county—he was, therefore, to all intents and purposes a natural-born subject of Great Britain; he was entitled to all the rights of a British subject, and subject to all the liabilities cast upon him by that name. The father and the son were entitled to an extensive and valuable estate situated in Lower Alsace. It consisted of the lordship, town, and castle of Sult, with an extensive demesne, and, connected with it, mines and other valuable property. This estate was held under the Archbishop of Cologne. By the treaty of Munster—which was confirmed by that of Nimeguen—Alsace was annexed to the Crown of France; but there was a proviso in that Act that all the property in that district of German tenure should remain inviolable. This property was a German male fief—it might be described as an estate tail; the estate tail in the remainderman being incapable of being defeated or barred. The claimant, therefore, had a vested estate in the remainder. In 1791 the father of the claimant, who was in the service of the King of France, foreseeing the events which were then pending, and apprehending they might lead to the loss of his interest in this estate by confiscation or otherwise, determined to give up that interest to his son. It was accordingly conveyed to the son with all the form and ceremony incident to the law of that country, without condition or reservation of any kind; so that by that act he became entitled to and was absolute master of the whole interest and property. In 1793, in consequence of the events which then occurred in France, both the father and son were compelled to leave France, and take refuge in Germany. They were treated therefore by France as emigrants, and their estate was confiscated. The conveyance of the estate from the father to the son had been made to secure the estate to the family—the son being a British subject; and it was supposed that under the circumstances he had mentioned the whole estate was secured. Notwithstanding that, by an unjust act the whole estate was confiscated by the French Government. Thus circumstances remained until the close of the war. At the close of the war, conventions were entered into between France and this country for the purpose of affording compensation to persons for the losses sustained by confiscations under the authority of the revolutionary Government as he had stated. A mixed commission was appointed for the purpose of investigating the claims, partly composed of four French, and partly of four English commissioners, and money was appropriated to satisfy those claims. In one of those treaties, namely, one dated 20th November, 1815, it was a stipulation that persons presenting their claims should present them within three months from that date, and those three months expired on the 20th February, 1816. The claimant presented a memorial to the Duc de Richelieu, who was then Prime Minister of France, setting forth his claim, on the 9th January. The reason why he presented his claim to the French Minister was, that the English Commissioners had not then arrived, and no meeting had been held by the Commission. The Duc de Richelieu said the claim was inadmissible; and the reason he assigned for it was this, "Your father (said he to the claimant) was a German; how can you claim to be a British subject?" The claimant was staggered at that statement, and went immediately to Sir Charles Stuart, the British Ambassador, to state the case to him. Sir Charles Stuart said he would see Mr. Mackenzie, the head of the English Commissioners, and represent the case properly to him, and he accordingly did so, and satisfied Mr. Mackenzie that there was not the slightest ground for the objection. Mr. Mackenzie, in consequence of that, said he would put the name of the claimant on his list. He begged their Lordships' attention to that list. He had stated that at the end of three months no further claims should be received. At the expiration of three months, accordingly, the Commissioners made out a list of claims actually presented. But the Duc de Richelieu having decided against the claimant, Mr. Mackenzie stated it would be proper, before he mentioned the case to the French Commissioners, that the claimant should present proof of his birth, and any other circumstances on which his claim was founded. The petitioner then obtained certificates of the marriage of his father and mother, of his own birth in the county of Stafford, and other documents that were necessary. In addition to that he took the precaution to make an accurate statement of his case, and to present it to Sir Samuel Romilly for his opinion on the subject. Sir Samuel stated there was no doubt whatever that the petitioner was a British subject, that he had all the rights of a British subject, and was subject to all the liabilities incident to that character; and that, in fact, he could not put off his allegiance to the British Crown, and stating that opinion in terms the most distinct and decisive. That evidence was presented to the Commissioners, and Mr. Mackenzie said he would take care that the claimant's name should be put upon the list. But afterwards Mr. Mackenzie stated he had doubts whether the petitioner's property was situated within the limits of the French territory. It was stated, in reply, that Lower Alsace was ceded to the Crown of France by the treaty of Munster, and confirmed by subsequent treaties; and every map of France that their Lordships might look at would show that that district was situated in the midst of the French territory. Mr. Mackenzie was satisfied he had made a mistake. Such were the various difficulties which this gentleman had to contend with in making good his claim. From time to time he applied to know when his case would be heard, and what documents would be required as evidence in support of it. At length he was told that the Commissioners were employed in considering another class of cases. Thus time went on until 1818. In that year there was another shifting of the scene. A new convention was entered into with France and the Government of this country. The Mixed Commission was abolished, and a large sum of money—60,000,000 francs, was paid over to the British Treasury; this country taking on itself to liquidate the various claims, and undertaking to indemnify France against all such claims as might be made upon that country by British subjects. In the following year, 1819, an Act of Parliament was passed for the purpose of carrying that convention into effect; and in that Act of Parliament the Commissioners, who had acted on the part of England in the Mixed Commission, were named as Commissioners under the new convention. The petitioner's name was included in the list of the claimants of the new Commission. He applied to be heard, and after a considerable interval he was heard; and he received from the Commissioners a statement of the kind of evidence which they would require in support of his claim. This gentleman, as might naturally be supposed, after that long delay, was reduced to great pecuniary difficulties. He stated his case frankly to the Commissioners, and asked them to afford him time to obtain the requisite evidence, which, of itself, would cost him a great deal of money; during the Revolution, his castle had been sacked and his muniments destroyed, and he stated he should be obliged to resort to secondary evidence of a complicated description; and his poverty then rendered it impossible for him to procure it without time. They allowed him time. He obtained money, and he employed agents to collect documents. One part of the evidence related to the cession of the property to the son by the father; and he was collecting that evidence on the Continent, when the Commissioners sent to him to ask if he was prepared to prove that the property confiscated, being the property of a British subject, was confiscated as such, and under the decrees against British subjects. His agents at once replied, "No; it was confiscated in consequence of emigration." The Commissioners replied that in that case it was no use going on with the evidence, and that unless he could prove that the property had been confiscated under the decrees against British subjects, he was not entitled to come in under the Convention. That was a most extraordinary decision, and there was nothing to justify it in the terms of the Convention. The Article No. 7 of the Convention referred to, and all the evidence required was, that the party was a British subject, that he was entitled to the property, and that the property had been confiscated. The question at a subsequent period—a few years afterwards—was decided by the appellate tribunal—namely, the Judicial Committee of the Privy Council. They decided against that judgment of the Commissioners, following various cases reported in the transactions of that Committee; and many persons had since received compensation for their losses—their property having been confiscated, not as the property of British subjects, but as the property of emigrants, and on account of emigration. An end was put at once to the inquiries of the petitioner, and the Commissioners proceeded to make their award almost immediately after. That award was a rejection of the claim. Now, on the face of the award, the grounds of the rejection were stated, and the first ground was that which he (Lord Lyndhurst) had just mentioned. The second ground was, that there was no sufficient proof of the cession—of the giving up of this estate by the father to the claimant. That was a most extraordinary ground, for the Commissioners had themselves by their erroneous act prevented the completion of the evidence, and therefore the second ground resolved itself into the first. There was another question which was very important—what did the cession apply to? It applied only from the father to the son; the son held a vested estate in remainder, more valuable perhaps than the life estate of the father, for he died four years afterwards. They never entered into an investigation of that part of the case, or inquired whether they should give compensation for an undeniable interest vested in him, and incapable of being disputed. Now as to the third ground, on which he did not insist, but on which he should shortly dwell, as very material for the purpose of showing the manner in which the Commissioners had transacted their proceedings. This claim for compensation on the part of the Baron de Bode was wrongly described by them as *biens caducs.* They applied to it the definition that was given in the *Dictionnaire de l'Academie,* of a lapsed legacy or of property altogether abandoned and belonging to no one; and they asked "how can you claim compensation for property which belongs to no one?" But if the Commissioners had consulted a French lawyer, or any lawyer, they would have learnt that the term which they applied to it was used to describe property which had escheated to the lord for want of an heir, and which had become absolutely vested in the lord. Then, again, the Commissioners, not being acquainted with the law of France, consulted a learned work with reference to that part of the claim which related to the property in mines, and they extracted a passage from it with the view of showing that the claimant could have no property in mines—mines being of no value, as they could not be worked without the permission and under the surveillance of the Government; whereas any person who read the passage with attention would find that the author quoted had come to a conclusion directly the reverse, and that he was answering an argument against the opinion which he himself had expressed. Thus ended the proceedings of the Commissioners. But this gentleman, having a right to appeal from their decision to the Committee of Privy Council, accordingly appealed to that body. The decision of the Privy Council was given in a few words; it was grounded solely upon the assertion that the cession must be taken to have been made for the purpose of deluding the revolutionary Government, subject therefore to the same observations that had been made upon the original decree. That being the last tribunal to which the claimant could apply, he was then left without redress. The ground of the Privy Council's affirmance not affecting the vested remainder to which he had referred, the claimant was advised to apply for a rehearing of the case. But no sooner was it known that he intended to apply for a rehearing than application was made to have the decision of the Privy Council confirmed by the Crown. Now, everybody acquainted with the course of proceedings in such cases knew full well that this was usually a mere matter of form; but, on this occasion, it turned out to be a matter of substance; for, when the gentleman applied for a rehearing, the Privy Council decided that they had no authority to rehear the case, in consequence of the Crown having ratified the previous affirmance. At that time there was about 500,000*l.* of the money received from France in the hands of the Lords of the Treasury which had not been applied in discharge of the claims; and a gentleman who was then a Member of the House of Commons, but who was now a Member of the House of Lords, applied to Mr. Canning, then Prime Minister, and stated the case to him. Mr. Canning was strongly impressed with the injustice which had been done to the gentleman, and said he would order the case to be inquired into, and endeavour to do him justice. Unfortunately, however, the death of that distinguished statesman prevented any further step being taken in that direction. An application having been made to the noble Lord now at the head of Her Majesty's Government, he took up the case and brought it before the House of Commons, and supported the claims of this gentleman with all the fervour, and zeal, and perspicacity, and eloquence which were so familiar to their Lordships. But how was he met? The first argument used against him was, that the property had not been confiscated as the property of a British subject, under the decree to which he had adverted:—he (Lord Lyndhurst) had already disposed of that objection. Another objection was, that the cession was not made by deed; but it was not necessary that the surrender of the property should have been made by deed, the law on that subject being peculiar to this country. The surrender was made according to the law of the country where it took place, and that was sufficient. Another and more singular objection was, that if the House of Commons granted the Motion for an Inquiry, they would cast a slur upon the credit of the Commissioners and of the Privy Council; and the House of Commons was asked to refuse to set the matter right, through courtesy to the parties out of whose mistakes the injustice had arisen. These arguments, assisted by others at the nature of which he would not hint, prevailed; the consequence was, that the Motion of his noble Friend was lost, though his noble Friend was supported on the occasion by all the vigorous and manly eloquence of Sir James Graham. The case was then taken up by his noble and learned Friend opposite, who lately held the Great Seal (Lord Truro), and he undertook to bring the case before the House of Commons. He gave notice for that purpose in the year 1832; but though he had named several days for the Motion, he was unable to bring it on, and was obliged to postpone it to the next Session. Parliament having been dissolved, his noble and learned Friend had not a seat in the House of Commons in the ensuing Session, and therefore was not in a position to fulfil his engagement. The case was then taken up by Mr. Hill, the Member for Hull, who brought forward a Motion on the subject. He had made some progress in his statement; but soon perceived that one Member after another was leaving the House on the side of the Government; and when the benches were nearly deserted, an hon. Member moved that the House should be counted out—and it was counted out. So much for those dispensers of justice—so much for the honour of that House and its integrity when money was concerned, that money being in the hands of the Government, and unapplied to the purpose for which it was originally given. In the following Session Mr. Hill renewed his Motion, and not only obtained a hearing in a House of nearly 200 Members, but a Select Committee was appointed, as he understood, with acclamation. The Committee having met, some parties applied for liberty to oppose the claim, and were permitted to do so. Counsel were ranged at both sides, the case was argued day after day for some time, and the inquiry was nearly brought to a conclusion, when an objection was made, on the part of the opponents of the claimant, that his documents, although authenticated by the authorities abroad, were not authenticated by any British Minister or agent. The Session being then nearly at a close, the objection put a stop to the inquiry; but the Committee, in their report to the House, strongly urged the necessity of reappointing the Committee in the next Session. Unfortunately there was again a dissolution; and Mr. Hill not having been again returned to the House, it became necessary to find some other Member to move for the reappointment of the Committee; but such was the general alarm at the nature and complexity of the case, that it was necessary to go about knocking from door to door to find some Member to undertake it. At last Mr. Warburton moved for the reappointment of the Committee; and, singular to say, was met by the argument, on the part of a Member of the House and an officer of the Crown, that the Baron de Bode, who, for twenty years, had been persevering and active in every possible way to have his case heard and decided, had slept upon his case, and that *vigilantibus non dormientibus succurrit lex*—an argument which, he maintained, was, under all the circumstances, nothing less than a piece of cruel mockery and insult. Mr. Warburton's Motion having been lost, the Baron next applied for a *mandamus*, calling upon the Treasury to apply the money for the purpose for which it had been received. The *mandamus* was refused, on the ground that the Lords of the Treasury held the money as the servants of the Crown; and it was asked how could a *mandamus*, which was an order of the Crown, command the Crown to apply the money in any particular way? The counsel for the claimant then applied for a petition of right, supplicating Her Majesty to do justice; and—would their Lordships believe it—this application was resisted on the ground that the money was not in the hands of the Crown, but in the hands of the Lords of the Treasury. At length, however, Lord Cottenham, then Lord Chancellor, appointed four members of the Bar, and highly qualified for the duty, to examine into the matter. These gentlemen summoned a jury of fourteen, twelve being necessary for a verdict, and that jury pronounced a unanimous verdict, finding all the facts which were asserted in the petition of right to be true. The Attorney General had notice to attend this inquiry, and might have attended it if he had thought proper; but he did not do so. Although, however, he did not choose to attend the inquiry, he did that which by law he was of course perfectly entitled to do—he traversed the finding, and pleaded the Statute of Limitations, which was fatal to the claim. The next step was a trial at bar, where the four Judges presided with a special jury, and the result was, to confirm the former finding in every particular. All the facts which he had stated, then, had been proved by the concurrent verdict of two juries. Advantage was then taken by the opponents of this gentleman of a clause in the Act of Parliament which was passed for the purpose of carrying the Convention into effect, by which it was provided that the money should only be applied to discharge the claims of the parties in whose favour an adjudication had been made by the Commissioners. It was urged that this claim had not been established by an adjudication of the Commissioners, and accordingly it was decided that judgment could not be given in favour of the claimant. An appeal against that decision was brought before their Lordships' House, but their Lordships felt they were bound to confirm that decision. If he were to be asked where the money was to come from to satisfy these claims, his answer was, that it was either in the hands of the Lords of the Treasury, or that it had been applied to some public service. If the latter were the case, the public, having reaped the benefit of it, were bound to restore the money. But he did not go so far as that. He asked simply for a Committee to inquire into this case; and if the Committee should confirm the statement which he had made, he should appeal to Her Majesty's Government to afford redress. He pressed this case in common honesty and common fairness, not for the sake of the claimant alone, but for the character, honour, and dignity of this country.

Moved—"That a Select Committee be appointed to inquire into the allegations of the Baron de Bode's Petition, and to report thereon to the House."

The EARL of DERBY: My Lords, I am quite sure that you have seldom listened with greater admiration to my noble and learned Friend, even in the days of his greatest vigour. My noble and learned Friend has entered into a detail involving matters of great complication and importance, delivered with a complete command of all the minutest circumstances, and unassisted, as you have perceived, by a reference to a single note. And seldom, I am quite sure, has the cause of humanity—I will not say the cause of justice, for that would, perhaps, be thought prejudging the case—seldom, I say, has the cause of humanity and national honour been placed before you in language more eloquent—conveyed by arguments more forcible, and in a manner more calculated to attract the attention and admiration of your Lordships, than the manner in which this case has been presented by my noble and learned Friend; and I am quite sure that to every one of your Lordships, on whatever side of the House you sit, it will be a subject of equal gratification, as it is to me, to perceive by this evidence that my noble and learned Friend's mental powers are wholly unimpaired, after the many years which he has passed—and I hope not at the close of his long and valuable life;—that not only his mental faculties are unimpaired, but also his high sense of what is due to justice and to the honour of the country, is retained with as much warmth and sincerity as ever they were in his youngest days. I am far from wishing to enter into a discussion of the merits of this painful case, with which at one time—as my noble and learned Friend has stated—I was myself individually familiar. I believe it is now about twenty-four years since I undertook to bring the question of the wrongs, as I certainly then conceived them to be, of the father of the present petitioner before the consideration of Parliament. I see a noble Friend of mine on the cross bench who undertook the charge of the case a few years before I did. Many of the circumstances have since faded from my recollection, until they were recalled to it by the able speech of my noble and learned Friend. I am quite sure that it would be a waste of your Lordships' time to enter upon a discussion of any portion of this claim, even if I were fitted by my recollection of the details to do so. But I think that there will be but one feeling in the minds of all your Lordships—that such a statement as you have heard, proceeding from such high authority as that of my noble and learned Friend, evincing such a thorough conviction upon his own mind of the substantial justice of the case which he brings before you—that justice being vouched by so eminent an authority, and not answered or objected to by any of your Lordships, not controverted—and I believe as regards a great part of the statement not controvertible—I feel, my Lords, that it would be impossible that you could listen to such a statement and refuse to submit to the test of a searching inquiry the alleged facts, which, perhaps, you may receive with too much favour, graced as they have been by the eloquence of my noble and learned Friend. Undoubtedly there must be great difficulty attending this inquiry, which will probably extend to a period when it will be doubtful whether any Committee which you can appoint can bring its labours to a close in the course of the present Session. At the same time, if my noble and learned Friend thinks fit to press this Motion for a Committee in the present Session, I, for one, shall offer no opposition to it, although I think that not only will the Committee require a considerable time for their inquiry, but after they have reported I am afraid that in another place there will not be evinced a disposition to regard with peculiar favour any demand that may be made on them in consequence of the report of such Committee. At the same time if the report of the Committee should substantiate the justice and equity of the claim, neither lapse of time, nor technicalities, nor any inconvenience of being called upon to pay a sum of money, however large, ought to prevent the discharge of such claim on the part of this country. Therefore, however large may be the sum which can by possibility be awarded—however unpleasing to the Chancellor of the Exchequer may be the prospects of this claim, I will venture to entertain a hope that if, and only if, you should come to a clear and undoubted conclusion, upon clear and incontrovertible evidence of facts brought before you, that this gentleman, in honour, in equity, and in morality, has a claim upon the country, the House of Commons will not refuse to acknowledge the liability or justice of the claim. I beg your Lordships not to prejudge the case; but after the statement you have heard, I think it impossible that you should say that such a question does not require to be calmly and deliberately investigated.

Earl GREY said that, without expressing any opinion on the claims of the Baron de Bode, with the merits of which he was unacquainted, he agreed with the noble Earl that if there was a valid claim on the equity and justice of the nation, however large the sum at stake might be, it was the duty of Parliament, and especially of the other House of Parliament, to provide the means of meeting it. But he could not help entertaining more than doubts whether the appointment of a Committee of that House was the proper mode of arriving at a decision upon the subject; for he thought that Parliamentary Committees were, of all tribunals, the least to be trusted to adjudicate upon a claim upon the public purse; especially when it was one which involved such nice considerations of law, and arose from a long series of transactions of so complicated a nature. He believed that if this subject was to be brought under the consideration of the other House of Parliament, and a vote was to be asked to make good an equitable demand upon the nation, that claim ought to be recommended by the responsible advisers of the Crown, after they had, by due inquiry, satisfied themselves of its justice. They knew that the present advisers of the Crown were not indisposed to consider the subject attentively, for the noble Earl opposite was himself the person who brought the subject before the House twenty-four years ago. And in the investigation of the claim they could not only command the assistance of the law officers of the Crown, but might advise the Crown to appoint a commission of inquiry upon the subject. He believed that if by such an inquiry they were satisfied that the claim was a good one, their recommendation of it would have much more weight and authority with a Committee of Supply, than the decision of a Committee of that House. The noble and learned Lord had, indeed, laid no grounds whatever for the particular course which he called upon the House to adopt; for, assuming the facts which he had stated to be correct, they certainly led to the conclusion, not that the House should appoint a Committee, but that they should address Her Majesty, praying her to recommend a vote, in order to meet the justice of the case. The speech of the noble and learned Lord did indeed appear to make out so strong a case that he could not help feeling that there must be something more behind, of which their Lordships were not quite accurately informed, and which made it expedient that an investigation should be conducted by a more competent tribunal than a Committee of that House—by Commissioners learned in the law. This subject had now been twenty-four years before the House; when it was first brought forward by the noble Earl (the Earl of Derby): the noble and learned Lord (Lord Lyndhurst), who had that evening brought the matter forward was at that time the Keeper of the King's conscience; and he supposed, therefore, that it was upon his advice, and with his concurrence, that the Government of that day, of which he was the legal adviser, opposed a decided resistance to these claims, or even to the Committee which was moved for by the noble Earl. There had been several successive Governments since that time (the noble and learned Lord having himself held the Great Seal three times), and yet no one of them had thought it expedient to recommend this case to the liberality of Parliament. Now, without pretending to know anything whatever of the merits of the case, he must say that that one fact did inspire him with considerable doubt whether there were not some reasons against the claim of which he was not aware, but which, as he had already said, should be investigated by a more competent tribunal than a Committee of their Lordships. For these reasons, although he should not put the House to the trouble of dividing, he should feel it his duty to say "Not-Content" to the Motion.

Lord LYNDHURST begged to remind the noble Earl that the case had assumed quite a new shape since he (Lord Lyndhurst) had held the Great Seal, in consequence of two successive verdicts of juries, which had found the facts in the manner which he had stated.

Earl FITZWILLIAM was surprised to hear his noble Friend object to the nomination of a Committee for the consideration of a question which involved nothing more nor less than the honour and honesty of the country. The noble Earl said that he thought there must be something behind which had not yet come before the House; but if that was so, it was the very reason why a Committee should be appointed. And when he talked of successive Governments having in every instance opposed these claims, he did not consider what various complications of interests might have influenced them in such a course. Two facts, which had come to light in the course of this conversation—that the case of the Baron de Bode now rested upon the verdicts of two successive juries, and that a large portion of the sum given by the French Government still remained unappropriated — would of themselves furnish a sufficient reason for calling upon that or the other House to institute an inquiry into the case. The Committee, if it answered no other use, would be beneficial in eliciting the precise mode in which the surplus had been disposed of. The report of the Committee might indeed be that it would be desirable to address Her Majesty, praying Her to recommend the case to the consideration of the other House of Parliament; such an Address, however, could hardly follow with effect upon the mere statement of an individual, however distinguished; and if, therefore, such a course was to be taken, nothing could be so appropriate a preliminary as the appointment of such a Committee.

LORD MONTEAGLE said, that it was now many years since he had looked into the papers connected with this claim; but undoubtedly, from the best recollection which he now had of the matter, it was absolutely necessary to remove the impression which the vigour and eloquence of the noble and learned Lord, and what had fallen from the noble Earl on the cross benches, was likely to produce. There was no doubt that a large sum of money had been given by France; but this money was strictly appropriated according to the Act of Parliament, which provided a special tribunal for the adjudication of the claims. As the noble and learned Lord had stated with perfect accuracy, that money was to be distributed to certain claimants, and any surplus which might remain was to be at the disposal of the Lords of the Treasury. Under the treaties of 1815, powers were given by Act of Parliament to Commissioners to decide on claims presented within a certain time. The claims put in within the time allowed, did not, however, exhaust the whole fund, and, therefore, the time for sending in claims was extended. It was alleged that the portion of this sum which should have been given to the Baron de Bode had been appropriated by the Government for selfish purposes, so that the Baron had been defrauded of his just rights. In the first instance, a term had been assigned within which all persons purporting to have claims were to put in those claims; and a vast number of claims had been excluded, not on their merits, but for want of compliance with the terms and conditions which had been imposed upon their claims. It was quite true that in the time of Lord Liverpool, there being a portion of the amount unexhausted by the satisfaction of the just claims put in within the stipulated period, that surplus was applied to the building and decoration of Buckingham Palace. That was matter of history, and well understood. It did not, however, appear to be equally well understood, though it was equally matter of fact, that under the Government of Earl Grey, that surplus, so applied to the building and decoration of Buckingham Palace, was required to be returned, and it was accordingly returned in full to the Treasury; and a further investigation having been instituted, the money so repaid was applied in payment of a second list of claims which were allowed to be put in by persons who had been excluded from the former distribution by the limitation of time originally assigned: every single farthing, he believed, had been so appropriated, and nothing now remained. He would, in the course of the evening, move for Treasury accounts which would clearly show this state of facts, and which would thus disprove, at the same time, the allegation that the money designed for the Baron de Bode had been used by the British Government for selfish purposes, and the proposition that there was money available for the purpose of the Baron's claim.

LORD LYNDHURST said, that the Baron de Bode had preferred his claim on the 9th February, within the time fixed for their reception. As regarded the question of money, the jury had found that 450,000*l.* still remained in the hands of the Treasury. Out of that, 200,000*l.* had been paid to those who had not made their claim within the three months, and there remained a balance still unapplied of upwards of 200,000*l.* He did not care about the accounts. This was the finding of the jury upon the evidence before them; the case of the claimant being opposed at every step by the law officers of the Crown.

LORD TRURO said, that notwithstanding the difficulty in which the Government might be placed by this Motion, he had fully expected the result which had been attained; for it was impossible to read the powerful and eloquent and convincing speech in which the noble Earl opposite introduced this subject to the House of Commons in 1828, when he advocated the even then manifest claim of the Baron de Bode without feeling that he would not do otherwise than adopt the course of assenting to the appointment of this Committee, however inconvenient in its immediate effect on the Exchequer its result might be. The case now came before the House in a very different position from that in which it had ever stood before; and the only conceivable objection to the appointment of a Committee was that there was not now in reason, sense, or justice, a single feature of the Baron's claim in rational dispute. The facts which were necessary to support it had all been found under circumstances which precluded the most suspicious person from entertaining a doubt with respect to them. His noble Friend (Earl Grey) said that the case was so plain that he could not help thinking that there was something behind antagonistic to the claim, since there was no patent reason why the claim should not long since have been admitted and acted upon. His noble Friend might rest assured that that was not likely to be the case, after a contest of twenty-four years with the Crown, during which the claimant had been opposed at every step by the most intelligent counsel at the bar, at inquiries which took place at long intervals of time, and many of which were judicial. There never was a case which there was such reason to believe had been investigated to the dregs, and in which every fact had been established by the most indisputable evidence. The Crown having received many millions of money to administer justice to its own subjects, nevertheless met the claim of the Baron de Bode with what he almost dignified by calling a technical quibble: the opponents who could condescend to resort to so miserable an evasion as an appeal to the Statute of Limitations must indeed have been at their wits end for a case. Upon that plea the case went to trial; not before a Judge at Nisi Prius, but to a trial at bar before the Judges of the Court of King's Bench and a special jury. The plea had said that the inquisition was not proved, nor any part of it; but the verdict of the jury was that every part of it was proved. There was no Motion for a new trial, no suggestion on the part of the Crown that there was anything unsatisfactory in the verdict, and the Act of Parliament was the only ground upon which the Court of Queen's Bench refused to give judgment upon the case. It was said that the Act had placed this money in the hands of the Lords of the Treasury, not as servants of the Crown, but as a mere mode of describing them as public officers to whom a statutable authority was given. As to the statement that there were no funds out of which this claim could be satisfied, even in part, the finding of the jury completely rebutted it. It appeared that certain claimants had been too late in presenting their claims; but he would read to the House exactly what was proved on the trial. The jury found "that, after the payment of all the claims of duly registered claimants which had been established, the surplus of 482,752*l.* remained in the hands of the said Commissioners, of which surplus a sum of 200,000*l.* and upwards was applied to satisfy claims which had been tendered after the time limited by the Convention of 1815, and not admitted until the authority given by the Lords of the Treasury in 1826; and the residue, after satisfying these claims, which had been presented duly and afterwards allowed, amounting to 200,000*l.* was paid into the Bank of England on Government account by the Lords of the Treasury, into pursuance of the Act 59 *Geo.* III." That was said to be disposed of; but was that any answer to the Baron de Bode? Already 200,000*l.* had been disposed of to his wrong; for as he had put in his claim before the expiration of the term originally fixed, he was clearly entitled to payment out of this 482,752*l.* before those who had, in the first instance, failed from not having put in their claims in time. How monstrous, then, was the proposition, that even the residue now existing should be withheld from him. That 200,000*l.* might, and perhaps had, been disposed of, but not in the sense which belonged to this case. It remained bound by this judgment to the satisfaction of his rights. When France paid the money it was the duty of this country to see that it was honestly applied for those in whose behalf the claims had been preferred. It appeared, after the claims were in, a communication took place between the two Governments as to the proper sum to be set apart to answer future claims. The Baron de Bode's claim was in at that time; and, upon the footing of the claims then in, a computation was made as to the sum to be set apart. It appeared to him that, according to the statements, the case was almost incredible in point of strength and truth; and if their Lordships should find the claim to be just, he apprehended there would be no difficulty in adopting some course to redeem the honour of the country. He rejoiced to see that the noble and learned Lord who brought forward this case with so much ability and perspicuity enjoyed at his time of life so much vigour of mind, and, he was happy to add, so much vigour of body; and, in conclusion, he hoped that the Government would do itself honour by assenting to the appointment of a Committee, whose labours, he believed, would not prove so protracted or so tedious as was supposed.

LORD HATHERTON said, that having been the individual who first brought forward this case in the House of Commons in 1826, he could not allow the present occasion to pass without offering his acknowledgments to the noble and learned Lord, for the spirited course he had taken, and the powerful statement he had made in introducing this Motion. He confidently believed, after the verdict of the jury, that the sum of 200,000*l.* remained unappropriated, that the inquiry now proposed would result in placing the representative of the Baron de Bode in the position which he ought to occupy. At any rate, after the verdict of the jury, it was impossible for their Lordships to ignore the claims of the Baron de Bode, or, at least, to give him a fair opportunity of satisfying their Lordships of the merits of his case.

On Question, agreed to.

SCHOOL SITES ACTS EXTENSION BILL.

House in Committee (according to order).

The BISHOP of OXFORD said, this Bill did not attempt to introduce any new principle of legislation; its object was merely to carry one step further the legislation which had been going on for several years, namely, to promote the erection of school houses for the education of different classes of the community. Originally these enabling Acts extended to parochial schools and diocesan training schools; and it was proposed by this Bill to extend these enabling provisions to two other classes of schools, one class being schools for the training of the sons of yeomen and of shopkeepers, partly supported by charitable aid and partly self-supporting. There was no class worse provided with regard to schools than that class. Practically speaking, the great improvement effected in the schools of the labouring class had a tendency to leave the class above the labouring class in need of considerable improvement in the schools suitable for them. He had proposed to enable parties to grant sites for these schools; but in consequence of objections which had been pointed out to him, he proposed to allow parties to sell, for a valuable consideration, two acres of land, and to enable ecclesiastical corporations to grant, with the consent of the diocesan, two acres of land, for the second class of schools, which were for persons who had passed through the University, and were preparing for holy orders, to spend a year in pursuing theological study.

Amendments made; Bill to be *reported* on Monday next.

SURRENDER OF CRIMINALS (CONVENTION WITH FRANCE) BILL.

Order of the Day for the House to be put into Committee, read.

The EARL of MALMESBURY said, that when the Bill was in Committee, he hoped to have the assistance of noble and learned Lords in making such a Convention and Act of Parliament as the requirements of the case demanded. A variety of opinions had been offered the other evening with reference to the securities which ought to be required to prevent the liberty of subjects of foreign Powers who had received the protection of this country from being invaded. So much difference of opinion prevailed on this point, that he thought it advisable to propose some alterations of the Bill in Committee. One main objection to the clause which had been discussed the other evening was, that if any alteration were attempted in the Convention by the Act of Parliament, it would put an end to the whole thing sought to be attained. But this was not the case. If their Lordships pleased to give him such powers as he required, he would undertake to get a new Convention drawn up in twenty-four hours. As far as the proposed Amendments went, the French Government was satisfied with them. With respect to the principal points of the Bill, it was objected that the Act would have a retrospective effect, and would extend to new crimes not named in the old Convention. He begged to say, that in the former Bill, there was a paragraph omitted by the printer in mistake from the clause, which contained a recital of crimes, and that paragraph declared that no person charged with an offence should be given up unless the offence charged against him was one which was contained in the recitals of the respective Conventions. The most important Amendment he had to propose to their Lordships was one which, he hoped, if adopted, would meet the jealous fear of noble Lords as to the liberty of the subject. It was at first proposed to surrender criminals on a magistrate being satisfied with their identity. Instead of this he proposed that the Secretary of State should not issue his warrant for the apprehension of the accused until documentary proof of the accusation was produced. On no account was the accused to be surrendered to the French Government until something had been received from the *Juge d'Instruction* in the shape of proof positive of crime. He considered that this Amendment would give a security to the Secretary of State when called upon to transfer criminals to another country. He would beg to remind their Lordships that the *Juge d'Instruction* was not an executive judge, or connected with the Government; he was an independent judge, and did not issue his *mandat d'arrêt* till he had gone through the whole case. Having said so much in explanation of his proposed Amendments, he would say he proposed nothing more, except with reference to the seventh article of the Convention, which related to protection afforded to refugees on account of political offences. He was promised by the French Ambassador that a law exactly analogous to the law he proposed to establish should be passed in France. The noble Earl opposite smiled; but if the noble Earl did not believe in the honesty and good faith of Governments, what was the use of making conventions at all? At all events, there was this hold upon the French authorities, that this Convention could not be put in motion until both parties agreed that it should operate. The object, therefore, of the Convention could not be frustrated, because it would not be put into operation until the provisions and stipulations of the French Government had been fulfilled. In the Committee he should move the Amendments of which he had given notice.

Moved—"That the House do now resolve itself into Committee."

LORD CAMPBELL said, he felt confident that their Lordships would assist cordially in carrying this measure out. In the shape in which it was originally introduced it was inadmissible; but by the Amendment proposed it was certainly rendered less objectionable. The original terms of the Bill would have placed every Frenchman in this country at the mercy of the French Government; but the alteration now proposed certainly made the arrangement less objectionable, because it was now intended by the noble Earl that the party accused should not be delivered up until a certificate from the *Juge d'Instruction* arrived. Still, he would have considerable hesitation in giving implicit credence to such a certificate; and although he could not require evidence against the party accused, strictly and technically equivalent to what would be sufficient in our law to justify his commitment, still, unless the Secretary of State took care to exact satisfactory evidence that the party was one who ought to be surrendered, England would lose its distinctive character as affording a safe asylum for the political refugees of all nations. Why, if the proposed Convention was agreed to, and a change of Government hereafter took place in France, the Prince President, if he took refuge in England, might himself be given up upon a mere *mandat d'arrêt*, and the certificate of a *Juge d'Instruction*. He (Lord Campbell) thought the Bill should be withdrawn, and a fresh Convention framed, to be afterwards ratified by an act of Parliament.

LORD BROUGHAM said, the noble Earl the Secretary of State had proposed several very material improvements in his Bill, but how far they would be sufficient would depend on what the real spirit of the French law was. If the warrant of the *Juge d'Instruction* was a document, was really something in the nature of a bill of indictment found by a grant jury, it might be sufficient to justify the Secretary of State in giving up the accused. But he would not exclude any other means of giving proof—it would be enough if *primâ facie* evidence of some other kind was furnished to satisfy the Secretary of State that the party ought to be delivered up to his Government; on the other hand, if all that the *Juge d'Instruction* did was to examine the *pieces d'accusation* laid before him, without taking any evidence at all, that would be a most unsatisfactory ground for ordering that a party in this country should be surrendered. He (Lord Brougham) would suggest that the noble Earl should print all his amendments, and allow the Bill to stand over for a few days. Then, if the alterations were considered by their Lordships to afford proper securities, there would be no difficulty in having another Convention, or in making such additions to the present Convention as would enable them to legislate with effect upon the subject.

The EARL of MALMESBURY explained that the *mise en accusation* was the result of a judicial inquiry, not before a *Juge d'Instruction*, but before a court of judges of a much higher order. A *mandat* *d'arrêt* was a warrant issued by the *Juge d'Instruction* himself; but it was the result of a judicial inquiry. He had no objection to reprint the Bill, if the Bill was allowed to go through Committee, and the further discussion deferred to the bringing up of the report.

The EARL of ABERDEEN asked what it was that prevented the French Government from furnishing proof of the guilt of the party whose extradition they demanded? The noble Earl said that, under the present existing Convention, persons were demanded by the French Government whom the British Government were not able to surrender. Why could they not surrender them? Because the French Government did not comply with the terms of the Convention, and produce that amount of proof of the guilt of the accused which would warrant his arrest and commitment in this country if the offence had been committed against our laws. That was the principle which had been uniformly laid down; it was incorporated in the 20th Article of the Treaty of Amiens, and also in the treaty with America, and likewise in the treaty with France. Now, however, it was sought to introduce an entirely new condition of surrender—the law of this country having hitherto given to the foreigner the same protection as was enjoyed by the Englishman. He confessed, therefore, that he thought it a very serious matter to depart from the old established rule which always had existed for the protection of foreigners, and which was recognised in each of the treatises to which he had referred. At the same time, if the *mise en accusation* was really sufficient to meet the requirements of the principle long laid down, and to furnish evidence such as would justify the arrest and commitment of the party if he had transgressed the laws of this country, he (the Earl of Aberdeen) would not offer any objection to the proposition of the noble Earl opposite.

The EARL of DERBY said, that the noble Earl who had just spoken appeared to have forgotten what took place in the year 1846; for among the papers on this subject in that year, he found a communication from the noble Earl to Count St. Aulaire, in which it was stated that the note of the French Ambassador had been referred to the Home Department, and to the law officers of the Government, and that all these authorities were of opinion, in which Lord Aberdeen entirely concurred, that to obviate the difficulty complained of by the French Government, a new Convention and a new Act of Parliament were necessary; and that in such new Convention the clause requiring that French subjects should not be delivered up, unless the evidence of their guilt was such as to warrant their commitment for trial by the law of the country in which they had taken refuge, ought to be altogether omitted, as being contrary to the real intention of the contracting Powers, and productive of many causes of insuperable difficulty in carrying out the object of the Convention.

The LORD CHANCELLOR said, that the late Government had approved of the stipulations which had been embodied in the Convention. The proposition of the Government was to allow a party to be taken into custody upon a *mandat d'arrêt*, but not to be given up to his Government until much more solemn steps had been taken that would establish his guilt. They had no wish or intention to abandon the right of affording hospitality to all persons of every nation who came to seek refuge on our shores; but, the Convention of 1843 not having worked at all for France, although it had worked well for England, nothing was more reasonable than that the French Government should desire an arrangement the benefits of which should be reciprocal, and not all on one side. Her Majesty's Government had therefore found it to be its duty to enter into a new convention with France, and that being so, he was sure their Lordships would not, upon any light considerations, wish to disturb what had thus been agreed upon. Some weight, he thought, ought to be attached to the decision of the Government, acting upon its responsibility; and if every clause of the Convention was to be spelt out, and difficulties raised upon every item of its provisions, it would be almost impossible to frame a convention by which every one of their Lordships present would be willing to be bound, and which would also in every respect satisfy those Members of their Lordships' House who were absent—to say nothing of the discussions and alterations that might be required to meet the wishes of the other House when they saw the example that had been set them by their Lordships. Why, half-a-dozen experimental conventions might be necessary before they decided upon a final one, and the Government of this country would be lowered in the estimation of the world, and would not stand in the position they ought to occupy in their intercourse with foreign Governments. Her Majesty's Government had every desire to accord full protection to political refugees within proper conditions; and he therefore hoped their Lordships would see no sufficient grounds for preventing the Bill from proceeding in its present shape.

EARL GRANVILLE described the course taken by the Government of which he was a member in reference to a new convention with France; and said that he felt that there was great weight in some of the objections which had been urged against the proposed arrangement. But as the noble Earl had agreed to provide that no person should be surrendered until sufficient information had been given to show the nature of the offence charged against him, Parliament ought certainly to agree to some new arrangement with France, to relieve that country from the anomalous position in which it now stood in reference to the extradition of French criminals by this country, for unless some such arrangement were adopted, the French Government, which had derived no benefit whatever from the existing Convention, would, it was quite certain, resolve on terminating it altogether. It was certainly most desirable that precautions should be taken against allowing refugees to be sacrificed, but these precautions were, he believed, taken in the Convention. Certain other securities had, however, been suggested; and he thought that the object which they all had in view might be obtained, if they adopted some such arrangement as that proposed by the noble and learned Lord behind him—namely, that the Bill should be printed for the purpose of enabling them further to consider the subject.

LORD CRANWORTH said, he was glad to hear that the Convention had been entered into by the late Government, because in finding fault with it he could not, in that case, be supposed to be influenced by any party feeling. The stipulation of the Convention of 1843, that no Frenchmen accused of crime should be delivered up, unless his criminality should be established by such evidence as would have warranted his committal if the crime had been committed in this country, was a provision obviously calculated to render the Convention inoperative for the surrender of French criminals by this country, because, before a French criminal could be surrendered, that provision assumed that witnesses must be brought over from France, perhaps from places as distant as the Pyrenees, and that they should then make depositions which would warrant a magistrate in committing the person accused if the offence had been done in Middlesex. Of course such a proceeding had never taken place, and never would take place, on account of the great delay, vexation, and expense which it would involve. How was that evil to be remedied? It would seem that the obvious remedy was that the Secretary of State should be empowered to give up a refugee on the receipt of proofs that proceedings had taken place in France analogous to those which took place previously to a commitment in this country. He thought, that upon the faith of such proceedings, a criminal might be given up. That was the purport of the arrangement which they all wished to see adopted. But it was then proposed that they should be content with the *mise en accusation*, and he had to state that he could not say "Ay" or "No" to that proposal until he should become better informed than he was at present of the nature and effect of a *mise en accusation*. If he could be satisfied that that proceeding was analogous to an indictment in this country —that it afforded *primâ facie* evidence of guilt—he could see no objection to the proposal. But he thought that, under any circumstances, some discretion ought to be given to the Secretary of State, and that he should not be absolutely compelled to give up refugees in all cases. There was a clause stating that political refugees should not be surrendered; but who was to determine what parties were to be considered as political refugees? A political leader might, in a time of revolution, stop the mails; and he might afterwards be regarded either as a political offender or as a person guilty of a robbery. In that and similar cases it would, he thought, be necessary that they should leave discretionary powers in the hands of the Secretary of State. In his opinion they ought to keep two objects in view—first, that they ought not to make any stipulation which would be absolutely imperative on either country; and, secondly, they ought not to stipulate for the surrender of any person without receiving such depositions as would afford a reasonable *primâ facie* evidence of his guilt.

The LORD CHANCELLOR observed that by one of the sections of the Act, power was expressly reserved to the Secretary of State to supersede the proceedings if he should think there was a case for doing so; and therefore there was a discretionary power such as had been recommended by the noble and learned Lord.

Lord BEAUMONT said, that in point of fact we trusted the President of the French himself, for it was a condition that the Keeper of the Seals, after an examination of all the documents in respect to a person charged with crime, should address a report to the President of the Republic, who, if due cause were shown, should issue a Presidential decree for the surrender of the alleged criminal. He, therefore, thought it should be required that the magistrate acting in reference to a similar case in this country, should make a report to the Secretary of State, who, if due cause were shown, should order the surrender of the party charged with crime. There was nothing in the Convention which gave this discretionary power. He denied that the magistrate had a discretion, for he made no report of the circumstances, and nothing was referred to the Secretary of State, who had no power to stop the proceedings, or to prevent the party charged with crime from being delivered up.

The Earl of MALMESBURY: That has been altered.

Lord BEAUMONT: The noble Earl said that had been altered. He would therefore ask the noble Earl, if this were the Convention which he had signed?—for if it were, he (Lord Beaumont) was correct; if not, he was surprised that the noble Earl should lay a Convention which was not the true one on the table of their Lordships' House. If the clauses of the Bill which they were discussing were not in accordance with the Convention, then the preamble had not been proved. He hoped their Lordships would not proceed with this Bill, but that the noble Earl would prepare another Convention in accordance with the suggestions which had been offered to him, and would then bring forward a Bill founded on that Convention. He considered that a provision should be made, that when a person was given up who was not entitled to be given up, he should be returned to the place in which he had been arrested. He considered, also, that the *mise en accusation* would not be sufficient to justify a magistrate of this country in giving up the person against whom it had been made.

Lord BROUGHAM: It would justify a magistrate in issuing his warrant.

Lord BEAUMONT: If on the face of the *mise en accusation* there be sufficient to justify the magistrate in issuing his warrant, that is all I require.

The Duke of ARGYLL said, the Bill, according to its terms, did not appear to enable the Secretary of State to exercise a discretionary power. Whilst the French Government retained in its own hands the power of judging of all the circumstances of the case, the English Government were charged with the duty of issuing the warrant, on proof given of the identity of the party. The Bill professed to enable the Secretary of State to do that which the Convention did not enable him to do. Unless we were to receive evidence in England, he hardly saw how we were to judge of the criminality of a prisoner. He thought the security they were all anxious to obtain with reference to political offenders, could be had, to a certain extent, if the Secretary of State was entrusted with a discretionary power. It was a matter of primary importance that the Secretary of State should have that discretionary power, and the more especially as there were now to be twenty specified offences instead of three as at present.

The Earl of ABERDEEN said, the discretion which the noble and learned Lord found in the Bill only applied to one article in it—namely, Article 10. But it was quite fit the discretion should be extended. Nobody could be more sensible than he (the Earl of Aberdeen) was of the necessity of some alteration in the present law; for he had had too many complaints of the impossibility of executing it not to be perfectly aware of its defects. He was willing to assent to the proposal of the noble Earl, if the *mise en accusation* did furnish a reasonable presumption that there was a ground for trial.

Lord MALMESBURY said, the *mise en accusation* was not the best, though it was the nearest proof they could possibly obtain.

Lord BROUGHAM said, if the *mise en accusation* was tantamount to an indictment they would require the Act, for without that it would not come within the purview of his noble Friend's Bill.

After a few words from Lord Campbell,

The LORD CHANCELLOR said, it was stated we were forced to deliver up on a mere warrant, and that the French were not so forced to deliver up without they saw due cause. And then something was said about the Prince President. Why, the Prince President happened to be his own Minister, and therefore he reserved to himself a power which he would have given to a chief officer of his Government if there had been any such corresponding to our Secretary of State.

LORD CAMPBELL said, he did not think it proper that the Secretary of State of England should be restricted as was done by the Convention, which gave a discretionary power on the French side, but none on the English. This power could not be introduced into the Bill unless it was in the Convention. He suggested that the same power should be given on both sides of the water, and the same obligations. Lord Aberdeen's Convention had proved ineffectual, because it required the same evidence as was necessary to commit a man under the English law. It was now proposed to dispense with this; but a discretionary power ought to be retained.

The EARL of MINTO considered that the Bill could not be proceeded with to the end, unless they had another Convention.

The EARL of MALMESBURY expressed his desire that a discretionary power should be vested in the Secretary of State. He would suggest that their Lordships should now go into Committee on the Bill, when the Amendments he had to propose might be introduced and afterwards printed, and they could then be considered on Monday.

After a few words from Lord CAMPBELL, the LORD CHANCELLOR, and the Earl of MINTO,

On Question, *Resolved* in the *Affirmative:* House in Committee accordingly.

The EARL of ABERDEEN said, the Convention was recited in the preamble of the Bill. Now he begged to know whether the Amendments which the noble Earl proposed to print related to the existing Convention between France and this country, or to a new Convention?

The EARL of DERBY replied, that one of the Amendments to be proposed would provide that any further convention or stipulation which might be entered into between Her Majesty and the French Republic for making the terms of the present Convention consonant with the provisions of the Act, should be deemed and taken to be part of the said Convention.

LORD BEAUMONT thought it was desirable that before their Lordships assented to such a provision, they should understand what the nature of the Convention really was.

The EARL of DERBY stated, that the Convention as it stood had received the consideration of two successive Governments of this country; the French Government had shown every disposition to enter into the most amicable arrangements; the Convention had been framed by the most able lawyers, and it had received the most careful attention of the most eminent men both in England and France. He doubted, however, whether if half-a-dozen Conventions were framed, objections would not be made to every one of them.

The EARL of ABERDEEN said, that what Parliament was now called upon to do was, to give effect, by this Bill, to a new Convention which had been entered into between the French and the English Governments. He would venture to say that the existing Convention, which they were now called upon to alter, had been prepared by men as learned, as able, and as willing to effect the purpose in view, as any of the persons to whom the noble Earl had referred; and yet it had been found that that Convention had failed, and the present might do the same. He said, therefore, that their Lordships were bound to see that this Convention was likely to carry out the intentions of the Governments by whom it was made. With respect to the Amendments which the noble Earl said he intended to introduce, their Lordships must see them before they could judge of them. It was quite a new thing in legislation to point out what had no existence, and to say that their Lordships must either approve or disapprove of that with respect to which they had no means of judging.

The LORD CHANCELLOR was afraid that some misapprehension existed with respect to the effect of the proposed proviso. Their Lordships were not called upon to give effect to a treaty which had not yet been entered into by Her Majesty. They were at present deciding as a branch of the Legislature to what extent they would give effect to a treaty which had actually been made by Her Majesty by the advice of Her servants; and what was proposed by the proviso was, that if a supplementary treaty should be agreed to in order to bring the principal treaty within the limits to which their Lordships had agreed upon, it should be taken to be part and portion of the said treaty. It would be perfectly optional both with Her Majesty and the French Government to concur or not in the proposed supplementary treaty.

Amendments made: The Report thereof to be received on Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 11, 1852.

Minutes.] Public Bills. — 1° Representative Peers for Scotland Act Amendment; Public Health Act (1848) Amendment; Distressed Unions (Ireland).
2° Metropolitan Sewers.
3° Turnpike Acts Continuance.

THE REPAIRS OF MAYNOOTH COLLEGE.

Mr. MONSELL said, he wished to put a question to the right hon. the Secretary of State for the Home Department, having a bearing upon the College of Maynooth, though not at all connected with the discussion which had recently occupied that House. In 1845, when the Act of Parliament was passed for the permanent endowment of the College, the late Sir Robert Peel stated that it would not make provision for the annual expense of the repairs, but that item would be the subject of an annual Estimate to be laid before Parliament. He believed, in every year since that Act was passed, a Vote had been taken, to the amount of 800*l.* or 900*l.*, for the purpose of defraying the expense of keeping the buildings of the College in repair. This year he did not see any proposition for continuing that annual Vote; and he would be glad to know whether that omission was an accident, or whether the Board of Works considered no sum was this year required for the purpose. He was quite sure the Government ought not to anticipate any decision of the House, and before any inquiry had been made to place the College in a different position than in other years.

Mr. WALPOLE said, he could assure the hon. Gentleman that the Government had no wish to anticipate the decision of the House. The reason why there was no Vote this year for the repairs of Maynooth College was, that the late Government did not consider there were any circumstances which required such a Vote being asked for, and therefore omitted to place it in the Estimates which the present Government had adopted. The House would recollect that last year, when the annual Vote was proposed, it was carried by a very narrow majority of only one or two; and in the present state of parties the Government would have had little chance of passing that Vote, unless they could have shown a very strong case of the necessity of repairs.

Mr. MONSELL said, he understood there was imminent necessity for repairs of the buildings of Maynooth.

Mr. CHISHOLM ANSTEY said, he thought the Government had exercised a very wise discretion in omitting that Vote from the Estimates. It was his duty to oppose it last year, as he believed no sufficient grounds had been shown for the former grant. He wished the Government had exercised the same sound discretion with respect to other Votes of a similar nature.

Subject dropped.

CONDITION OF THE WORKING CLASSES.

Order for Committee of Supply read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. SLANEY said, he should move as an Amendment on the Question, the Resolution of which he had given notice. He had attended to the subject of the condition of the working classes very anxiously ever since he had been in Parliament. The question had nothing whatever to do with party; but it interested deeply the welfare of the community, and that was the reason it had engaged his attention so constantly. He would refer to Reports laid before that House from time to time to prove his case. A great difference had occurred during the last forty years in our social system; the comforts of all classes and the wealth of all classes had materially augmented, not, however, in equal proportion. But it was the working men—the labouring classes—by whose agency all these blessings and all this wealth had been mainly produced; and the question was, had the condition of the labouring classes improved in proportion to the benefits conferred by them upon other classes? He believed the reverse was the fact—that, instead of improving, their condition had retrograded; and it could be traced to the indifference or neglect of those whose duty it was to look after their interests. The working classes were divided into two great bodies—the agricultural and the manufacturing classes. The agricultural labourers had deteriorated in consequence of want of due attention to their condition. If there had been a department to take this important matter into consideration, the evils he now deplored would not have existed. Committees had been from time to time appointed to inquire, among other things, into the mode of payment of wages, and strong condemnation had been passed on the abuse of paying wages out of the poor-rates. He had drawn attention subsequently to the fact of the practice still continuing, and that no sufficient remedy had been provided by the Legislature. In 1834 a Commission was appointed to inquire into the subject, and they reported that the practice was subversive of the morals and independence of labourers, and destructive to the best interests of the working classes. Had there been a special department, such as he suggested, could these evils, proved to exist as they had been in twenty-six counties, have been permitted to continue unredressed for twenty-five years? The result of the system was to generate discontent and outrage on the part of the labouring classes, and this would continue if the evils were still permitted to exist. After thirty years, a correction was attempted to be applied to the mischief by the establishment of the new Poor Law. But had that law cured the evils? He contended that the evils which the new Poor Law was intended to correct, would exist for at least the next two generations. He considered that the only safe remedy was to have a department to look into these matters, and to make reports from time to time to the Government, with respect to the sanitary condition of the labouring classes. If the dwellings of the poor were inspected, in many counties they would be found disgraceful to us as a nation. He admitted that a good deal had been done and was doing to mitigate this evil, but he regretted to say much remained yet to be done. The report of the Sanitary Commission would bear out his assertion, and would prove the neglected condition of the agricultural labourers. But what was the case of the town districts? Was it better? He feared not. The rate of mortality was about two per cent for the country, but it was four and four and a half per cent, and in some instances five per cent, in town districts, where working men were congregated im masses. In 1840 a Committee sat on the question of the labouring classes in towns, and they reported that as far as the dwellings of the labouring poor were concerned, great evils were to be found, which, however, could be removed by adopting proper sanitary precautions and regulations. The Report of 1842 confirmed all the statement of the previous Committees relative to the young population in towns finding premature graves, and the adult population being diseased and ill-lodged. These facts showed that a very large body of the people in towns were neglected by Government. In 1845 there was an inquiry into fifty towns, and this was the general statement, that the prevalence of the evils was general. Since that period an Act had been passed to improve the health of those districts, but this did not take place until after forty years of neglect. The evils would not have existed at all had there been a Commission to look after the health and general condition of the working population. The Factory Commission in 1843 stated that in reference to juvenile labour, the young people employed by the factory workmen were subjected to great hardships and ill usage, little or nothing being done to afford factory children proper recreation or instruction. The result was that the children were sickly, stunted, and short-lived. Nothing had been done, and he asked the House whether such a state of things ought to be allowed to continue? The Report also spoke of the condition of the mining population. It was stated that the children of miners and in mines had not sufficient moral or religious training in the mining districts. He was referring to the condition of the defenceless children of a defenceless class. It was impossible to read the Report of the Commissioners without feeling pain at finding that nothing had been done to elevate and improve the material and moral condition of the working people. Having shown that the condition of our agricultural and town-working population was full of evils, he asked the House to consent to the establishment of a Commission for the common benefit of the working classes. The handloom weavers to the number of 600,000 were in a state of the greatest distress, and to these were to be added the railway labourers, whose numbers also amounted to 600,000. And what was the cause of the depression of these classes of our fellow-men? It was owing to the great changes in the social and commercial condition of the world, without any corresponding change being made as regarded the labouring population of the country. The vast increase of the population of the towns called for a corresponding alteration of the laws. While in the rural districts the increase of population from the year 1801 to 1851 had only been at the rate of 5 per cent, the increase in the towns had been at the rate of 100 per cent. All these facts proved the necessity of a Governmental department to take cognisance of the condition of the people. Hitherto these things had been left to individual Members of Parliament. The first thing necessary to be done was to provide for the education of the people. It might be said that the Government had already looked to that subject; but, with what effect? Before the Education Committee of 1838 it was shown that provision for the education of the people was required for one-eighth, and yet, on the average, provision was only made for the education of one-eighteenth, or of one-twentieth, of the population. Since that period, two Governments had endeavoured to bring in measures for extending education; but both schemes exhibited a lamentable deficiency. The effect of all this neglect of the people had been discontent among many, and suffering and disease. Illness was in proportion to deprivation; and it was shown that, on the one hand, where prosperity existed, death was 2 per cent, while, where poverty prevailed, it was 5 per cent. The average of the life of the three classes into which society was divided was this:—The average of life of the first class was 37 years; of the middle class, 27 years; and of the humble classes, 20 years. This disparity arose in a great degree from the neglect shown by the higher classes to the condition of the lower. As a matter of economy, this subject ought to engage the attention of Parliament. The poor-rates were considerably increased by the non-employment of the people, while crime advanced in a very rapid progression. The number of criminal commitments in England and Wales was in the first year of the present century 4,700; in 1815, 7,800; in 1821, 16,500; in 1831, 19,600; in 1841, 27,000; in 1847, 28,000; and in 1848, 50,000. It was true that since 1848 the number had, owing to various causes, diminished; but from 1800 to 1848 the number of criminals increased three times as fast as the population. What had been the increase in the consumption of spirits? In 1817, the consumption was 9,200,000 gallons; in 1827, 18,200,000; in 1845, 27,000,000; in 1852, 28,000,000; showthat the consumption of spirits also increased three times as fast as the population—another evidence of the unsatisfactory condition of the people. It was in vain that they erected gaols and penitentiaries in order to reclaim men. It was beginning at the wrong end. They should educate the young, and teach the working man to improve his own condition. But to all this there were impediments arising from laws and customs which a consultative board would entirely remedy. He was aware that some looked at this question as a matter of cost only. Well, as a matter of cost, what was it that crime alone cost the country? Not less than 11,000,000*l.* sterling per annum. The poor-rates were 5,400,000*l.* for England and Wales; hospitals, dispensaries, and alms, the necessity of which arose in great measure from neglect of the poor, amounted to the same sum of 5,400,000*l.* The direct cost of the police, gaols, &c., amounted to 1,500,000*l.* But to this was to be added the loss which society sustained from the illness of men whose labour was of necessity abstracted from society, and which by proper regulations might be prevented. That he estimated at 2,000,000*l.*; so that the whole amount of deduction to be made from the productive powers of labour, including some other items that he would not take up the time of the House by enumerating, was not less than 27,500,000*l.* a year. But this was only for England and Wales; if they added to it half as much more for Ireland and Scotland, which would be 13,750,000*l.*, it would make a total of 41,250,000*l.*, to which might be added 10,000,000*l.* for consumption of spirits by these neglected persons; thus making a grand total of 51,000,000*l.* expended annually on account of neglect, poverty, and crime in this country. He believed that one-half of this sum might be saved to the country by improving the condition of the people. What, then, was it that he proposed as a remedy for the evils he had thus pointed out? He did not wish to hold out false hopes; but hitherto Government had done nothing. There were three things which it was essential to accomplish: first, the instruction of the children; second, the protection of the health of both parents and children; and, thirdly, fair play and equal encouragement to their industry. They must change their views from the gaols and the penitentiaries, to the industrial schools. Instead of education being given to one in 18 of the population, it must be given to one in 8. All these points had been greatly neglected; and the effect had been shown in the increase of crime, and in the immense cost to the country to which he had just adverted. A Committee or Commission, free from the bias of party, might be nominated by the Government of the day, and would constitute a council which might be made a centre for the suggestions of benevolent men on whatever tended to the improvement of the working classes. The cost would not exceed 2,000*l.*; and if that paltry sum were grudged, half of it might be found to try the experiment. The causes of existing evils would be dealt with, instead of the effects being removed, as at present; those "coming events" which "cast their shadows before" might, by measures of anticipation, have their pressure mitigated.

LORD ROBERT GROSVENOR, in seconding the Motion, said, he had intended to trespass on the attention of the House for some time, but considering the time already occupied, and having reference to the able speech which they had just heard, he should content himself with a single observation. He had regretted to observe the impatience manifested during his hon. Friend's address, because he was aware that an idea prevailed in the country, not only amongst the working but even the highest classes, that that House was not disposed to entertain such grievances when they were brought before them, but rather to pass to more exciting and agreeable topics. He knew that there was some cause for impatience when they were all anxious that the business of the Session should be speedily terminated. He had not mentioned the subject with the view of casting reflection on that House, with which he had so long had the honour of being connected; but when he found a resolution, "That this meeting were very anxious to make provision for the education of ragged children, a class which rarely attracted the attention of statesmen or legislators," adopted by a meeting, not of Chartists, but of the middle classes, at which he attended, for the education of ragged children, he could not but say that he trusted, when the present Motion was brought forward, the endeavour would be made to put an end to the idea that this House did not take an interest in those persons to whom the Motion related. The House would regret to learn that this was the final and farewell address of his hon. Friend the Member for Shrewsbury; and it was the more desirable that the Government should take up this question, because the House had not the advantage they had once derived from the presence of his noble Friend, formerly a Member of that House, now Lord Shaftesbury, who had been so long and so usefully engaged in bringing forward important measures for the benefit of the working classes; and, now that they were about also to lose the services of his hon. Friend (Mr. Slaney), who had devoted so much time and attention to those subjects, he did not know who would now undertake to deal with them. He thought the hon. Member for Shrewsbury had fully made out his case, and hoped to hear from the lips of the right hon. Gentleman the Secretary for the Home Department some sentiments which would give encouragement as to the future.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient that a Department, Standing Committee, or Unpaid Commission, be appointed, to consider, suggest, and report from time to time, preventive and remedial measures, to benefit the social condition of the Working Classes, and for removing social and other obstacles to their improvement,' instead thereof."

MR. WALPOLE said, everybody must admit that the sincere zeal and benevolence which the hon. Gentleman who brought forward the Motion had always manifested towards the working classes, deserved the warmest encouragement; and, if he (Mr. Walpole) thought the Motion would tend to advance the social condition of those classes, he certainly should have desired, on the part of the Government, to give it his assent. He regretted extremely the retirement of the hon. Gentleman from that House, and was certain the country would feel that the hon. Gentleman was ending as he began—that he was exerting his intellect and energy in behalf of those who had no opportunity of being heard for themselves. The present proposition of the hon. Gentleman, however, appeared to him to be not only useless, but detrimental to the interests of those for whom he proposed it. One of the objects of the hon. Gentleman was to obtain the appointment of an unpaid Commission—

"To consider, suggest, and report from time to time preventive and remedial measures, to benefit the social condition of the Working Classes, and for removing social and other obstacles to their improvement."

A second object was to obtain information on which legislative remedies might be carried out. Another object was, that such remedies should be effected through the medium of such a Commission. With respect to the proposed Commission, he (Mr. Walpole) doubted whether more information would be obtained by that means than by means of a Select Committee, such as might now be appointed in either House of Parliament to inquire into particular subjects relating to the working classes; and the constitution of the Commission itself would not be such as would render it likely to afford any valuable or complete information. The Commission or Standing Committee would consist of two or three persons, who would take up particular views and opinions, and who, generally speaking, would follow up those views or opinions with great pertinacity, without considering others which might be pressed on their attention. When a Committee was appointed by either House of Parliament, it was composed of Members entertaining different views, who pressed those views on the attention of the Committee; and therefore a better report was obtained than would be obtained from a Standing Committee or Commission. The whole tenour of the hon. Gentleman's statement showed how information was obtained through Committees of both Houses of Parliament. On that account he (Mr. Walpole) did not think the proposal, if carried into effect, would be attended with the advantages which had been anticipated. Then, with respect to the remedial measures to be introduced, he regretted to hear one observation of his noble Friend the Member for Middlesex (Lord R. Grosvenor). His noble Friend said there was a prevalent opinion that that House was not disposed to attend to the grievances of the working classes. The sooner that opinion was set right in the country the better. If there was one thing which, since he had had the honour of a seat in that House, had struck him more than another, it was that the improvement of the condition of the working classes, the means of their education, and similar subjects, had been more uniformly and zealously urged than questions affecting even those who were actually represented within those walls. He did not believe a specific measure for the benefit of the working classes could be proposed which would not procure more support than measures for the benefit of those who were peculiarly represented there; and he hoped the noble Lord would take the opportunity, when it offered, of explaining that the classes of whom he had spoken laboured under a misapprehension, when they supposed that their interests were not attended to. A Bill had been brought in on the subject of Industrial and Provident Partnerships, which had been passed through that House entirely through the energy and ability of the hon. Gentleman who had proposed the Motion. Then there were measures of education: others relating to factories; others, again, which had given rise more to party discussions; he might take for example the repeal of the Corn Laws, which, doing away with a great part of the revenue, was done with a view to the relief of the working classes. Measures of that description showed that they had their interests properly submitted to the consideration of Parliament. A Standing Committee of the kind proposed would in some respects be detrimental. The idea ought not to be encouraged among the working classes that they must look to the Government or to Parliament, instead of relying on their own exertions and industry. There was a great chance that the appointment of a Standing Committee or Commission proposed would give rise to such an idea, and diminish the sense of the necessity for self-reliance. Believing that, for the purposes of legislation, there existed, by means of Committees of both Houses of Parliament, a much greater probability of obtaining attention for the objects the hon. Gentleman himself had in view, than by means of an unpaid Commission or Standing Committee, and seeing the appointment of such a Commission or Committee might lead to the consequences to which he had briefly adverted, he (Mr. Walpole) regretted to say that he was under the reluctant necessity of giving a negative to the Motion. which he hoped the hon. Gentleman would not press to a division.

CAPTAIN SCOBELL said, he was sorry to hear that the right hon. Gentleman was prepared to negative this Motion; because, though a Standing Committee might do no good, it certainly would do no harm. He was quite aware that the House was anxious to go into Supply; but this Motion was the best kind of supply, for it would supply contentment and progress, and assist in promoting union between the rich and the poor. He was quite sure that a Standing Committee would prove most useful; it would digest the information it received much better, and in a more practical manner, than that taken by Committees of that House. With regard to the self-reliance which the poor ought to be taught, the poor had as great a claim upon that House, as the rich; and, as they suffered under grievous injuries inflicted by legislation, they had a right to ask the House to remove, or at least to alleviate, them. He hoped the Government would withdraw their opposition, and allow the proposal of his hon. Friend to be carried.

MR. S. CARTER said, that, agreeing in much that had fallen from the right hon. Secretary for the Home Department, he dissented from the opinion of the right hon. Gentleman with respect to a Committee or Commission of the kind proposed. It would form the nucleus of a system for obtaining and digesting information, and, being a permanent body to which the poor might complain, hon. Members could on special occasions move the appointment of a Select Committee. The two methods of proceeding might co-exist.

MR. PACKE said, he should most deeply regret the absence of the hon. Member for Shrewsbury from amongst them, although they sat at different sides of the House, and were politically opposed to each other. When the commercial policy of 1846 was adopted, there was nothing more strenuously insisted upon than that it would materially tend to the elevation of the condition of the working classes. However, this result, so ardently anticipated, had not followed. The House was now informed that crime had increased threefold to what it was in former years; and also that sickness and poverty had increased. Those facts certainly showed that the working classes were not at present placed in a perfectly satisfactory condition. He felt, however, that at the present period of the Session, they could not properly consider the Motion of the hon. Member for Shrewsbury; and he could not, therefore, support that Motion.

MR. P. HOWARD said, that there were already two Commissions in existence devoted to the consideration of the physical and mental condition of the working classes. There was the Education Commission and the Sanitary Commission, and there was a third Commission, namely, the Emigration Commission, which was appointed to give information and assistance to those who were anxious to cast their fortunes in another land. It would be much better to give those Commissions more extensive powers, than to appoint another. The statement respecting the increase of crime ought to be received with some abatement. The greater number of commitments arose from the increased vigilance of the police; but there was no proof that the more serious crimes had increased in proportion to the population.

MR. G. A. HAMILTON trusted the hon. Member for Shrewsbury would not press his Amendment. He (Mr. G. A. Hamilton) wished to remark, however, that the question to be put would be, that the House shall go into Committee of Supply, and not a negative to the Motion of the hon. Member.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.

House in Committee of Supply.

The CHANCELLOR OF THE EXCHEQUER said, the first Vote in Committee of Supply related to the Chapel of the Embassy at Constantinople, on which yesterday there was a discussion. He had considered that case; his attention had been drawn to it by the conversation which took place; and it appeared to the Government to be one that required considerable inquiry. The enormous expenditure which had taken place on the residence of the Ambassador at Constantinople, appeared, on the surface, indefensible. They did not wish to make any censure on the conduct of those who preceded them. He was aware that, with respect to many items of expenditure in distant places, a very injurious habit had grown up, and had not been sufficiently disturbed, which allowed the expenditure of large sums, without the inspection which in the present day was indispensable; and when an expenditure of 85,000*l.* had taken place on the Ambassador's residence within ten years, it appeared to him that that House ought not to pass the present Vote without inquiry. The Vote now on the Paper was for an expenditure not yet incurred; had it been incurred, he should have appealed to the generosity of the Committee. It was the feeling of himself and his Colleagues that they could not but express their sense of dissatisfaction; and, under these circumstances, he should not press that Vote. He might state generally that such items, if the opportunity were afforded to the Government, would be subjected to very severe examination.

MR. WILSON PATTEN said, he was glad to hear the opinions which had fallen from the right hon. Gentleman. Having presided as Chairman of the Committee on Official Salaries, he remembered that the subject of the expenses of the Embassy at Constantinople had strongly pressed itself on the notice of the Committee, though he was not quite sure whether it had been mentioned in their Report.

Vote struck out.

(1.) 783*l.*, British Ambassador's House at Madrid,

(2.) 1,595*l.*, late Earl of Shaftesbury.

(3.) 4,000*l.*, Navigation of the Menai Straits.

(4.) Motion made, and Question proposed—

"That a sum, not exceeding 100,000*l.*, be granted to Her Majesty to defray the Charge of Civil Contingencies, to the 31st day of March, 1853."

MR. CHISHOLM ANSTEY said, he rose to object to the following items in this Vote: The expense incurred by the Bishop of Barbadoes in his visitation to the islands of St. Vincent and St. Lucia, 32*l.* 5*s.* 10*d.*; the expense incurred by the Bishop of Antigua, for passages on his visitation to several islands within his diocese, 42*l.* 8*s.* 4*d.*; the expense incurred by the Bishop of Newfoundland on account of a passage from Newfoundland to Bermuda, on visiting that part of his diocese, 60*l.*; the expense incurred by the Rev. H. M. Blakiston, on account of his passage to Constantinople, on his appointment as chaplain to Her Majesty's Embassy at that place, 50*l.*; for the entertainment of the Bishop of Victoria, on several occasions, while visiting the consular cities in China, on board Her Majesty's steam ship *Reynard*, 92*l.* 10*s.* The rapacity of ecclesiastics was beyond all description. The Church of England, the Church of Ireland, and the Church of Scotland, all had their pull at the Exchequer. They reminded him of the three daughters of the horseleech, who continually cried out, "Give, give, give!" nor would they desist,

"Non missura cutem, nisi plena cruoris hirudo."

SIR JOHN PAKINGTON said, he could not agree in any of the views which the hon. and learned Gentleman had taken. The word "bishop" appeared on all occasions to raise some objection in the mind of the hon. and learned Gentleman. But this was no new question. It came under the consideration of the noble Lord the Member for London (Lord John Russell), in 1840, when he was Secretary of State for the Colonies, and he had to decide whether it was fair to call on the Bishop of Newfoundland, out of the limited income for his professional exertions, to pay the expenses of visiting other parts of his diocese at a distance of 1,200 miles. It was then thought that no objection could be taken, and therefore the noble Lord decided to grant 60*l.* as compensation for those expenses. It was upon the principle so established that this Vote was asked, and he (Sir J. Pakington) thought these heavy expenses ought not to fall upon the bishops, and that it was not desirable those right rev. Prelates should have the temptation, from pecuniary considerations, to abstain from visits to their dioceses. He trusted the Committee would not object to the Vote.

MR. HUME said, these charges had been objected to every year for the last twenty years. He thought the manner in which the right hon. Gentleman had answered his hon. and learned Friend behind him (Mr. C. Anstey), was not becoming the situation he held. He had made use of remarks little calculated to produce that good understanding and good feeling which they wished to see prevail in that House. The right hon. Gentleman, as a Member of a Government advocating economy, said it was most unjust for this or that bishop to be called on to pay these expenses out of his own pocket. He (Mr. Hume) thought it more unjust for the people of England to be called on to pay them. No bishopric had been established abroad without the assurance that the expense would be borne by the Colonies; and when the Government had attempted to pay the passage out, it had never passed without remark. He really thought the time was come when the whole expenses of the Colonial Office should be revised, and the principle laid down, whether ecclesiastical charges were to be borne by this country, or those they were intended to benefit. The Government could not help seeing that the general feeling of the country was against these partial charges. If these were defensible, let them be made general. He could not sit still and allow his hon. and learned Friend (Mr. C. Anstey) to be taunted and treated as he had been by the right hon. Gentleman, and that was what induced him to rise and express his approbation of his hon. and learned Friend's proceedings. He hoped he would persevere. He (Mr. Hume) used to do his duty. He was not able to do it now; but he hoped other Members would not allow any Minister whatever to taunt any hon. Gentleman who thought it his duty to object to these Votes.

MR. CHISHOLM ANSTEY said, he should move to reduce the Vote by 300*l.*

The right hon. Baronet (Sir J. Pakington) had not told them why a selection from the members of the Established Church was made; why the Rev. Mr. Blakiston, the rich chaplain at Constantinople, and the Bishop of Victoria, had this gratification; and why all the bishops, all the clergymen, and all the chaplains of the favoured Church were not similarly gratified.

Sir JOHN PAKINGTON, said, the question about Mr. Blackiston was not in his department. The case of the Bishop of Victoria came within the principle he had explained.

Colonel SIBTHORP said, an attack had been directed by the hon. and learned Gentleman the Member for Youghal against the Established Church. [Mr. C. Anstey: No!] He was for supporting the Established Church, though he entertained liberal opinions towards the Church of hon. Gentlemen opposite. He must condemn the pettifogging and mean spirit which dictated objections to paltry votes; and he called upon these hon. Members, if they were true economists, to support his Amendment, namely, "to omit the sum of 1,505*l.* 7*s.* 6*d.* for salaries of secretaries and clerks, and messengers for the Commission for the Promotion of the Exhibition of the Works of Industry of all Nations."

Mr. W. WILLIAMS said, he had objections to several other items. He objected to 600*l.* 13*s.* 8*d.* for the Commission for inquiring into the Episcopal and Capitular Revenues; to 360*l.* for triennial and other allowances to the serjeant-trumpeter, and to the household trumpeters and kettle-drummers; to 220*l.* for clothing for household drummers; to 109*l.* 9*s.* 4*d.* for marshal of the ceremonies; to 76*l.* 5*s.* for robes, collars, badges, &c., for knights of the several orders; to 2*l.* 2*s.* for the attendance of watermen at the House of Lords; to 20*l.* for the furniture for Whitehall chapel; and the 282*l.* 14*s.* for entertainments on board the *Sphynx* and the *Nemesis*, of Sir James Brooke—that fortunate individual—who received 1,500*l.* a year as Governor of Labuan, and 500*l.* a year as Consul at Sarawak, and yet contrived to spend the greater part of his time in this country. He should move their disallowance.

Mr. CHISHOLM ANSTEY said, he was quite willing to add to the Motion of the hon. Member for Lambeth the 300*l.* he objected to.

Sir JOHN PAKINGTON said, he would beg to suggest that they would save valuable time by being more methodical in their proceedings. They had begun with the expenses of bishops. In speaking on that, the hon. and gallant Member for Lincoln had been carried away in spite of himself to the Crystal Palace; and now, with a flourish of drums and trumpets, the hon. Member for Lambeth had come back to the Rajah of Sarawak. He really believed half the Members did not know the question before them.

Sir GEORGE PECHELL hoped this would be the last time the expenses of the bishops would appear in the Estimates. If no other plan could be devised to save them from the pain of these discussions, he would suggest that the expenses should be paid out of the secret service money. But seriously he considered that any expenses incurred by the bishops going to and fro from island to island ought to be defrayed from the Colonial Fund.

Lord DUDLEY STUART said, he felt obliged to the hon. and learned Member for Youghal for having brought this question before the notice of the Committee. He really thought the country ought not to be saddled with the payment of these sums. One of the complaints of his hon. and learned Friend was, that the Government did not go methodically to work, because he, with great justice said, if they paid the bishops for one visit, why not pay them for all? Many visits were paid for, and many visits under exactly similar circumstances were not paid for. He thought the Government ought to give some explanation.

Mr. G. A. HAMILTON said, these payments were only made by the Treasury on the authority of a Secretary of State, who regulated them. For instance, the 50*l.* paid to Mr. Blakiston, was paid upon the authority of the noble Lord the Member for Tiverton (Viscount Palmerston). He thought hon. Members were taking advantage of the Vote to call attention to the expenditure during the past year comprised in upwards of one hundred items. He was anxious to give explanations, but it was impossible to follow when explanations were asked upon half-a-dozen or more items at the same time.

Mr. W. WILLIAMS said, there was an item of 819*l.* 3*s.* for the funeral of his Royal Highness the late Duke of Cambridge. The charge for this funeral was last year objected to, and he had hoped it would not have appeared. The allowance to his Royal Highness was amply sufficient, and provision had been made for the whole of his family.

Mr. HUME said, as they voted a round sum for these purposes, the only opportunity of finding fault was when the account was rendered. The best mode for preserving the funds of the Established Church was to take care they were applied properly, and not to call on the country to pay charges with which they had nothing to do. The late Duke of Cambridge left upwards of 5,000*l.* a year real property. His daughter had been pensioned off with 3,000*l.* a year; and his son had been pensioned off with 30,000*l.* a year; and now the country were called upon to pay the expenses of the funeral. He believed it would turn out the claims of the canons of Windsor swelled the charge. He did not throw the blame on the present Government, but upon the party who sanctioned such a charge. There was one circumstance connected with this subject which he was always glad to mention. William IV. did not draw upon the public public purse, but left sufficient to pay the expenses of his funeral. He was the only sovereign within the memory of man for whose funeral the public were not put to any expense. He could admit the charge for the funeral of the Sovereign, but the Government ought to withdraw this item for the funeral of the late Duke of Cambridge.

Motion made, and Question put—

"That a sum not exceeding 97,410*l.* be granted to Her Majesty to defray the Charge of Civil Contingencies, to the 31st day of March, 1853."

The Committee *divided:*—Ayes 40; Noes 97: Majority 57.

Original Question put, and *agreed to.*

House resumed; Committee report progress.

MR. SMITH O'BRIEN.

Mr. VINCENT SCULLY stated that he wished to ask the right hon. and learned Attorney General for Ireland a question of which he had given him notice. In order that the House might understand the question he was about to put, he should remind it of what was called the Irish rebellion of 1848. In consequence of being concerned in that affair, Mr. Smith O'Brien and some other persons were sentenced to transportation, and had been undergoing that punishment up to the present time. Their friends in Ireland had considered it quite useless to appeal to the clemency of the late Government; but after the advent of the present Government into power, it was supposed by them that there might, perhaps, be some chance of obtaining some remission of a punishment, which many considered had been of sufficient duration, and which all knew was inflicted not for the sake of vindictiveness, but to deter similar transgressions in future. Accordingly, a memorial was prepared, praying for a mitigation of the sentence. Whilst that memorial was in the course of being circulated and signed, it was very generally stated that it had been prepared at the suggestion of several Members of the present Government, including the Attorney General and Solicitor General for Ireland, as well as the Chief Secretary, and the hon. Member for the University of Dublin (Mr. G. A. Hamilton). It was also stated and believed that each of those Members of the Government had, by their conversations, encouraged the preparation and presentation of that memorial, and it was even asserted that the right hon. and learned Attorney General for Ireland had himself revised and altered the draft of the memorial, and had stated that he would give it his support. It was asserted that the memorial had been signed by many distinguished persons upon the faith of statements made to them, that it would not embarrass the present Government, but would have the contrary effect. It was also signed by many friends of the prisoners, who could not but be seriously injured by any direct refusal to grant their prayer. Under these circumstances the memorial in question was stated to have been signed, and it was lately presented to the Lord Lieutenant of Ireland, by a most respectable deputation, headed by the Lord Mayor of Dublin city. To that deputation the Lord Lieutenant gave a very peremptory and almost contemptuous reply, stating that "he had a duty to perform towards his Sovereign and his country; and that he did not consider himself justified in recommending the prayer of the memorial to Her Majesty's favourable consideration." He (Mr. Scully) did not mean to enter into any discussion in regard to that memorial, or the propriety or impropriety of rejecting its prayer. He wished simply, both in order to satisfy the public and for the sake of the right hon. and learned Attorney General for Ireland himself, to ask him a plain and simple question, to which he should hope to receive a straightforward and frank reply. The question was this—Did the Attorney General for Ireland himself prepare the memorial referred to; or did he, or any person on his part, or with his knowledge and sanction, suggest its preparation, or its presentation, or revise and correct any copy or draft of it, or encourage its preparation, signature, and presentation, and intimate that he would give it his support?

Mr. NAPIER: Sir, I will state all the facts of which I have any cognisance with respect to the memorial to which the hon. Gentleman has referred. The Solicitor General for Ireland (Mr. Whiteside) and myself were counsel for Mr. Smith O'Brien. Mr. Whiteside defended him at his trial, and I at the House of Lords. I also presented a petition in his behalf on occasion of his transportation. I have the pleasure to be on terms of intimacy with his two brothers, the Rev. Mr. O'Brien, who is one of my constituents, and the hon. Baronet the Member for Ennis (Sir L. O'Brien), and several other relatives of Mr. Smith O'Brien, are amongst my most esteemed friends. Immediately after the accession to office of the present Government, I received a letter from the Rev. Mr. O'Brien, who subsequently waited upon me entirely as a private friend. He and I talked together about the case of Mr. Smith O'Brien, and had some conversation as to the prospect of procuring any mitigation of that unfortunate gentleman's punishment. We conversed as intimate friends; and I am sure that the House will not expect that I should detail anything that may have passed between us at an interview which was strictly private and confidential. I told Mr. Smith O'Brien's friends and relatives most distinctly that, in my official capacity, I could not in any way connect myself with their proceedings, and I even expressed to them my conviction that the Government could not take any move in the matter, as their doing so would be imputed to a political and electioneering purpose. I did not, however, take upon myself to indicate, either directly or indirectly, what the Government would do in the matter; and from first to last I disconnected myself, from my official capacity, while speaking on the subject with Mr. Smith O'Brien's friends. I will not, however, hesitate to admit, that I had, and still have, a very strong feeling of sympathy for Mr. Smith O'Brien. The next communication that I received on the subject was a letter from the secretary of the committee in Dublin from whom the memorial emanated. I did not myself write the memorial. I did not procure it to be written. I did not revise it when written. I was not in any way concerned in its preparation. I did not even sign it. I declined to have anything to do with it, apprehensive lest my name might be confounded with my official character. I did not hold out, nor did any one on the part of the Government, that I am aware of, hold out any expectation that the Government would take any particular course in the matter. My hon. and learned Friend the Solicitor General for Ireland may have expressed his feelings on the subject as a private individual, just as I have done; but I am confident that he never gave an intimation of what the Government would do with reference to it, and that he had no part whatever in the getting up of the memorial. It is unnecessary for me to say what my own feelings or expectations may have been; but from the first I dissevered myself from any official interference in the affair. I trust, therefore, that this explanation will be satisfactory to the hon. Member for the County of Cork, and to the House.

THE DIPLOMATIC SERVICE.

Mr. EWART begged to ask the noble Lord the Under Secretary of State for Foreign Affairs whether any measures had been adopted for the examination of candidates for appointment and promotion in the Diplomatic service of the country; and whether there would be any objection to lay before the House a return explanatory of such measures, as had been done in the case of the different revenue boards, the Navy, the marines, and more lately (by the Duke of Wellington) in the case of examinations of candidates for the Army?

Lord STANLEY said, he could not produce such a return as the hon. Member asked for, because no such return existed. The subject of education for the Diplomatic service had for some time past engaged the attention of Government; but, as yet, no definite scheme of examination for entrance on that service had been framed. They had, however, done what they could: their Ministers and Diplomatic agents at foreign Courts had been instructed to report upon the nature of the qualifications required from persons entering on the service in question in other countries; by these means a large body of evidence was being brought together; and when this had been done, and after full time had been taken for consideration, he (Lord Stanley) hoped that a plan would be struck out which they would be enabled to lay before the country. Meantime, all he could say was, that Government agreed with the hon. Member in considering the question as one of great importance: and that being the case, he felt sure that the hon. Member would not desire that any hasty or ill-considered measure should be brought forward, of which there could not but be some risk, if sufficient time to frame it were not allowed.

CHURCH DISCIPLINE.

MR. HORSMAN said, it had been suggested by the right hon. Gentleman the Member for the University of Oxford that when he moved the appointment of the Committee in the case of the institution of the Rev. Mr. Bennett to the vicarage of Frome, it would be proper to lay on the table the heads of his allegations; and the right hon. Gentleman added that he could show that this was according to precedent. At the moment he could not give the right hon. Gentleman an answer; but he had since considered the matter, and he was prepared now to say that if the right hon. Gentleman could satisfy the House that what he proposed was in conformity with precedent, he would bow to the wish of the House, and comply with his suggestion. He begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether he would allow him to nominate the Committee either in the morning sitting of Monday, or at the afternoon sitting, because otherwise it would not come on till after the other orders, when it was doubtful if it could be nominated; and at that late period of the Session it was desirable that no time should be lost?

The CHANCELLOR OF THE EXCHEQUER would be extremely glad if he could facilitate the inquiry that had been ordered by the House; and if he could learn from the hon. Gentleman then, or in the course of the evening, that there was any prospect of proposing a Committee, the nomination of which would not lead to a protracted discussion, he would certainly do what he could to suit his wishes. At present he could not take upon himself the responsibility of allowing a question, which would apparently lead to a long discussion, to interfere with the progress of public business. Both the morning and evening sittings were at the present moment apportioned to very important business; and although he was ready to accede to the suggestion of the hon. Gentleman, provided he was assured that there would be no delay, still until there was some assurance or certainty of such a result, he could not take the responsibility of permitting the nomination of a Committee which would unduly retard the public business.

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR HENRY WILLOUGHBY moved that it be expunged. He believed that many persons conversant with the business of the Equity Courts, including the highest authority in them, were of opinion the course proposed would be inconvenient, that it would promote delay, and lead to expense in printing all bills and preliminary documents in the Court of Chancery.

The SOLICITOR GENERAL opposed the omission of the clause, on the ground that the adoption of printing would both diminish inconvenience and save expense.

MR. BETHELL expected that printing would put an end to that rambling form in which bills were too frequently now constructed, for every one knew that the appearance of matter in printing led to much greater accuracy of statement. The defendant, by the adoption of this provision, would be informed at the very first step in the suit of the charge which was made against him, and he would be informed of it in such a manner as would be apparent to a mind of the most ordinary capacity, without resorting to professional aid. Again, the Bill would be printed with probably greater celerity than a parchment copy could be prepared; and, instead of great expense, it would involve a less amount of cost. As to the probability of the exposure of private affairs by printing, he thought this was an idle objection. His only regret was, that this introduction of printing had not been carried throughout every stage of the clause. He trusted the Committee would be of opinion that the beneficial change proposed was one which would work well for all parties.

SIR HENRY WILLOUGHBY said, that ordinarily not more than three copies of the bill were required; and in this case the printing would be much dearer than the engrossing. He should be glad to hear whether he stood alone in the Committee upon this question, because, in that case, he should not divide the House.

Clause *agreed to;* as was also Clause 2.

Clause 3 (providing that a defendant should be served with a printed bill in lieu of the writ of subpœna and summons),

Mr. KEOGH asked whether every defendant in a suit was to be served with an entire copy of the bill?

Mr. WALPOLE said, that one of the great improvements in this measure was that every defendant would have in a convenient form such a statement of the suit as should be legible and easily understood by him.

Clause *agreed to;* as was also Clause 4.

Clause 5 *postponed.* Clauses 6 to 11 inclusive, *agreed to.*

Clause 12 (requiring that in the absence of a near relative or testamentary guardian, the consent of the Court be required to the filing of a bill on behalf of an infant),

The MASTER of the ROLLS moved its omission, stating it was often necessary to file a bill at a few hours' notice.

Mr. WALPOLE admitted that delay might arise in some instances, but yet thought the provision would be useful. Some power was required to prevent an improper person from being put in as next friend.

The SOLICITOR GENERAL suggested that it might be sufficient to require the consent of the Court within some short time after the filing of the bill.

The MASTER of the ROLLS conceived that this might in some measure meet the difficulty.

Mr. BETHELL thought the clause would be at once nugatory and obstructive. It would entail the necessity for that most objectionable and onerous proceeding an *ex-parte* application, which was altogether alien from the proper province of a judicial tribunal.

Mr. WALPOLE concurred to a great degree in those observations, and promised to consider them before the Report.

The MASTER of the ROLLS suggested the postponement of the clause.

The ATTORNEY GENERAL objected.

Sir JAMES GRAHAM said, this subject had been fully considered by the Commission, and there appeared to be between the retention and rejection of the clause a choice of difficulties. His own opinion, however, was in conformity with that of the Commissioners, that it ought to be omitted.

Mr. HENLEY observed that the Judges in the Court of Chancery were of a different opinion, with the exception of the Master of the Rolls.

Sir WILLIAM PAGE WOOD said, as the father was usually dead, all the children infants, and the mother executrix and an accounting party in the suit, the application to the Court would be necessary in almost every case for the selection of a "next friend" to institute the suit.

Mr. WALPOLE ultimately, in deference to the opinion of the Commissioners, withdrew the clause.

Clause *withdrawn.* Clauses 13 to 16 *agreed to.*

Clause 17.

Sir HENRY WILLOUGHBY moved an Amendment, to the effect that Motions should be set down in a certain order, and should not be called on out of that order, that the parties might know when their cases would be called on.

Mr. WALPOLE said, that the Amendment of his hon. Friend would apply to the present clause. If his hon. Friend knew as much of the Court of Chancery as he did, he would see that his Amendment would not at all answer.

The MASTER of the ROLLS said, that the Amendment would fetter the discretion of the Judge. No matter how urgent the case might be, whether it was for an injunction to prevent the pulling down of a house, or any other case requiring speedy action, the Judge could not call it on if the Amendment were agreed to.

Mr. S. CARTER thought that the Amendment of the hon. Baronet was a valuable one, although the present might not be the proper clause on which it ought to be brought forward. Those who knew the Court of Chancery must be aware how difficult it was for the younger members of the bar to bring any Motion on.

Amendment *withdrawn.*

Clause *agreed to;* as were also Clauses 18 to 25 inclusive.

Clause 26.

The MASTER of the ROLLS said, the effect of this clause would be, that the mode of taking evidence in the Court of Chancery would be entirely altered, and heavy additional duties be thrown on the examiners. A Committee which sat in 1833, relating to the salaries of officers of the Court of Chancery, recommended the reduction of the salaries of the examiners from 1,500*l.* to 1,000*l.* a year. That reduction took place; and if additional duties were now thrown on the examiners, a fair remuneration ought to be fixed.

MR. WALPOLE said, no such provision could be made without previous notice. He quite agreed that the new mode of taking evidence would throw on the examiners more arduous and responsible duties than they had hitherto discharged; and, that being the case, it seemed unreasonable that the remuneration should remain the same. As the Bill stood, the chief clerk would receive 200*l.* a year more than the examiners.

Clause *agreed to;* as were also Clauses 27 and 28.

Clause 29.

MR. C. P. VILLIERS called the attention of the Committee to the situation of examiners under the clause. It appeared that the old practice of hearing evidence by paid commissioners was to be abolished, and that that duty was now to be discharged by the examiners, who were officers of the Court. That would be a very great reform, as it appeared that these commissioners were often paid in a way that induced them unnecessarily to protract their sittings. But this new arrangement would add much to the labour of the examiners, and therefore he thought some provision ought to be made for their remuneration.

The SOLICITOR GENERAL suggested that the examiners would not often be called upon to perform these duties; when they did they would, of course, be paid.

MR. BETHELL differed from the Solicitor General, as he believed that these duties would often require to be discharged. He concurred with the hon. Member for Wolverhampton, that this would be a most important reform, and would save many hundreds of pounds to the suitors, as compared with the present practice; but with regard to remuneration, he thought the Lord Chancellor would have power under the 60th Clause to settle that question; or if there was any doubt of his power, it might be made plain when they came to that clause.

SIR JAMES GRAHAM observed that the proposed alteration, which he supported, would throw great additional labour on the examiners; and a question would arise whether the two present examiners would be able to discharge those additional duties. It ought to be borne in mind, that, together with the additional labour which this measure would entail upon those functionaries, the nature of that labour being of a higher order, would require a greater exercise of the mind. He thought the question of the examiners' salary, under such circumstances, ought to receive a full and indulgent consideration whenever it was brought before the House. He confessed he was somewhat suprised when he heard it observed, with reference to the County Courts Bill, that the provision which gave to County Court Judges jurisdiction in matters of equity, was at variance with the provisions of this measure. He believed that, under these clauses, Bankruptcy Commissioners or County Court Judges might be employed in those examinations, and he could not conceive any refusal on their part to act as such. He thought the provision would be for the public benefit and convenience, as they were men conversant with the law, and acquainted with the mode of taking evidence. He looked forward to the time when, under the regulations of the Court of Chancery, county and local courts would be made auxiliary to inquiries of the nature proposed. He believed the clause a sound and useful one, and would give to it his support.

Clause *agreed to.*

Clause 30.

SIR ALEXANDER COCKBURN suggested that the signature of a witness to his depositions should not be made imperative.

MR. BETHELL also objected to the depositions being taken down in narrative form instead of in the usual way of question and answer. He thought at least the cross-examination ought to be taken down in that form.

The ATTORNEY GENERAL thought there was weight in the objection of the hon. Member for Southampton, as the process of writing down question and answer would greatly delay the cross-examination, the questions in which, everybody knew, ought to be followed up as rapidly as possible.

SIR WILLIAM PAGE WOOD said, that Mr. Walton, a master in one of the commons in law courts, had recommended, from experience, that evidence should be taken in the way suggested in the clause.

MR. C. P. VILLIERS said, it was not an easy thing to draw up a narrative of what a witness had stated. He suggested that the evidence, when reduced to the form of a narrative by the examiner, should be signed by the witness, and that this should be done in case of cross-examination.

The SOLICITOR GENERAL said, that this practice of reducing the evidence into the form of a narrative was uniformly adopted by the Judges of the common law courts.

The ATTORNEY GENERAL remarked that in the common law courts the Judges had an opportunity of observing the demeanour of the witness, which was not the case in the Court of Chancery. Still the mode suggested by the Bill was a great improvement on the existing one.

Mr. BETHELL recommended that where a witness refused to sign his evidence, the examiner should be competent to certify the depositions, and the witness be personally examined, if required, before the Court. Otherwise, the witness, by refusing to sign, might hinder the cause ever coming to a hearing.

The SOLICITOR GENERAL rather recommended that, in the case of a witness refusing to sign, the depositions might be signed by the examiner, who might report to the Court any special matter which he might think fit. Certainly the witness should not have the power of invalidating the proceedings.

The MASTER of the ROLLS asked whether a witness alleging that the deposition as taken down was inaccurate, and on that ground refusing to sign, was to be indicted for perjury? He was of opinion that the matter, which was most important, should be maturely considered.

Mr. C. P. VILLIERS said, that he was afraid that the mode suggested for taking evidence in equity, under this Bill, would tend to perpetuate expense and delay. There would be an appeal to the Court on exceptions to evidence, and this would necessarily occasion expense and delay. He begged the Committee to consider the question of whether it would not be better to have a competent officer to decide on all such questions of evidence as might be raised, as had been recommended by the Lord Chancellor in his evidence before the Committee. This would save the suitor the expense of these disputed points of evidence. By so doing they would materially decrease the delay and expense, which would be increased by the plan proposed by this clause. The costs of the suit were the greatest hardship to the suitor, and this would swell the costs considerably. Counsel on either side must be admitted, who would quarrel and waste the time of the Judge in deciding these questions of evidence. He should not now stop the progress of the Bill, but hoped this suggestion would meet with consideration.

Clause *agreed to.*

Clause 31.

Sir ALEXANDER COCKBURN said, he thought there were grave objections to the latter part of the clause, as it might open the door to great delay and expense. The evil lay at the root of the system, and resulted from having the evidence taken by one Judge, and decided upon by another. He must say that they would not amend the procedure of the Court of Chancery until one and the same mind received the evidence and determined upon its effect. However, that was not intended to be done at present; and, therefore, he thought it would be better to direct the examiner to take down all the evidence, whatever the nature of it might be, and to transmit it to the Judge, who would strike out those portions of the evidence which he thought inadmissible.

Mr. WALPOLE said, the clause applied to cases where a demurrer was taken by the witness to questions that were put to him. Such cases seldom occurred. He did not think it would be desirable for the examiner first to decide on such a question, and then have it taken to the Court by an appeal.

Mr. ROUNDELL PALMER said, that the same rule ought to be adopted in equity as in the case of an examination by a commission at common law. He thought the clause would work well.

The SOLICITOR GENERAL said, that most mature consideration had been bestowed on this clause, but it was impossible to enact that there should be no appeal from the decision of the examiner as to the admissibility of evidence, either directly or indirectly. Therefore, it would be useless to provide that the matter should be decided by the examiner in the first instance. Substantially, the clause would have the same effect as the alteration proposed, and he hoped it would pass without that alteration.

Mr. BETHELL suggested, that the practice of common law should be substituted for this form of demurrer, as great delay and expense would arise from it to the suitor. He thought that the party whose question a witness refused to answer, should have power to move that the witness should be attached, as was done at common law, before an examiner.

MR. C. P. VILLIERS said that, under this new system, all sorts of questions would be put and objected to, and there would be an opening for a large source of business to the profession, because the examiner could not decide at once as to the matters in dispute, but there was an appeal allowed. There was no appeal from such questions in the County Courts, and he thought it would be better to give the examiner the same power as the County Court Judges.

The MASTER OF THE ROLLS said, that his hon. and learned Friend had misapprehended the clause. The examiner was merely to put down the question and answer; but where a witness refused to answer a question that was put to him, on the ground that it might relate to a confidential communication, or tend to self-crimination, those were the only questions on which there was to be an appeal. If the examiner were to be allowed to decide conclusively on the admissibility of evidence, the costs would be greatly increased, for the whole case must then be gone into by him. This clause only referred to objections to questions in the nature of demurrers.

Clause *agreed to.*

Clause 32.

MR. C. P. VILLIERS said, there was a sworn clerk in the registrar's office, and his duties would no longer be required now this Bill was passed; but the examiner was to forward the evidence to the Record Office under this clause, and this officer might be used for that purpose, as otherwise he did not see how the evidence could get to the Record Office.

The SOLICITOR GENERAL said, the evidence would be transmitted to the Record Office in the usual manner.

Clause *agreed to;* as were also Clauses 33 to 58 inclusive.

Clause 59.

The MASTER OF THE ROLLS objected to the clause, as it appeared not to come at all within the scope of the Bill. The object of it was to enable the Courts of Common Law to send cases into the Equity Courts to have their decisions upon questions of equity. This increased the evil which the Commission had reported had arisen from sending cases from the Equity Courts to the Common Law Courts. He thought every Court ought to be able to execute justice itself completely by those powers which it possessed.

The SOLICITOR GENERAL agreed with what had fallen from the right hon. Gentleman, and would acquiesce at once in his suggestion that the clause should be struck out of the Bill.

MR. BETHELL stated that it had been his intention, but for the special circumstances of the present Session, to move the presentation of an Address, praying Her Majesty to issue a Commission directing the members of both the common law and the equity courts to consider expressly the propriety of consolidating and uniting the various jurisdictions, and also of consolidating the statute law.

MR. ROUNDELL PALMER admitted that the courts of law and equity wanted a mutual adjustment, and that there were many of the jurisdictions of the courts of equity which ought to go to courts of law, in order that the latter might have complete jurisdiction over the causes they had power to deal with; but he believed they would be acting contrary to the first principle of the division of labour—they would be abandoning the useful result of long experience, if they were to attempt to unite the whole of the business now done by the courts of law and equity in one and the same system. In point of fact, this had not been attempted to be done in America; there the real distinctions between law and equity were quite preserved. He hoped the question, when it was raised, would be considered, not only with the view of abolishing useless, but with the view of preserving useful, distinctions, and of maintaining a just division of labour.

Clause *struck out.* Remaining Clauses *agreed to.*

The MASTER OF THE ROLLS moved the addition of the following clauses, which were unanimously agreed to:—Clause to follow Clause 47—No suit in the said Court shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief. Clause to follow Clause 57—(Court of Chancery not to send cases to law). It shall not be lawful for the said Court of Chancery in any cause or matter depending in the same Court, to direct a case to be stated for the opinion of any Court of common law, but the said Court of Chancery shall have full power to determine any questions of law which in the judgment of the said Court of Chancery shall be necessary to be decided previously to the decision of the equitable question at issue between the parties.

House resumed. Bill *reported.*

MASTERS IN CHANCERY ABOLITION BILL.

Order for Committee read.

House in Committee.

Clause 1 (declaring the office of Masters in Chancery abolished),

The MASTER OF THE ROLLS said, that as the clause now stood, the Masters in Chancery were to continue to have all the powers conferred upon them by any Act of Parliament or otherwise vested in them, which they might be required by the Lord Chancellor still to execute. He proposed that the office of Master should be declared abolished entirely, except for the mere purpose of winding up the business of their offices.

MR. HEADLAM moved the omission of the clause.

MR. WALPOLE said, the whole Bill depended upon the fact that the office of Masters in Chancery was to be abolished.

MR. BETHELL regarded the Bill as effecting a great improvement in the English law.

MR. AGLIONBY agreed with the hon. Member (Mr. Headlam) that the first clause was unnecessary and unintelligible, and that it might be omitted without prejudice to the operation of the Bill.

MR. HENLEY said, the public would gain by it the advantage of cheap justice, speedily administered. These Masters, when appointed to their present office, were in the enjoyment of large professional incomes, and, if the country determined on removing them from office, it was but just to compensate them.

MR. E. ELLICE said, the continual complaint hitherto, with respect to the Masters' Offices, had been, that they were so overcrowded with business that the Masters could not get through the business assigned to them. Now, if that complaint was well founded, surely the more Masters to perform the work the better for the public, as far as regarded the despatch of business in the Masters' Offices. He, therefore, suggested that the whole of the Masters should remain in office until the business already assigned to them had been disposed of. He would embrace that opportunity of tendering his thanks to the Gentlemen who had undertaken to be Members of the Chancery Commission. He was instrumental in adding to it two right hon. but not learned Gentlemen (Sir J. Graham and Mr. Henley), and he felt quite sure that the public out of doors would now see the benefits resulting from the adding of laymen to the Commission.

MR. S. CARTER thought that the country would be entitled to the services of the youngest of the Masters in the intended new offices of chief clerks to the Chancery Judges. Men in the prime of life ought not to be handsomely paid for doing nothing.

Clause *agreed to;* as was also Clause 2.

Clause 3 (releasing four of the Masters in Ordinary from their duties),

The MASTER OF THE ROLLS moved an Amendment to release two instead of four Masters from their duties.

The SOLICITOR GENERAL, on the part of the Government, would not oppose the Amendment, if it met with the general concurrence of the Committee.

MR. AGLIONBY said, if these Masters were all to retire upon full salaries, the Bill would confer very little benefit upon the public.

MR. HENLEY said, the pounds, shillings, and pence was only a subordinate view of the question. The object of the Bill was to give the public a cheaper and more ready access to justice than they had at present. They could not propose to remove persons who had been taken out of a profession and placed in a *quasi*-judicial position like the Masters without compensating them.

MR. AGLIONBY admitted that that was the case.

MR. E. ELLICE said, the great complaint hitherto had been the pressure of business in the Masters' Offices, and he did not see how that was to be remedied by allowing even two of them to retire before they had wound up the business in their respective offices.

MR. AGLIONBY said, things had come to such a pass, that they must abolish either the Courts of Equity or the Masters, and they had determined to abolish the Masters. Every one knew how suits were bandied from the Court to the Master, and from the Master to the Court again, and to get rid of that system he was willing to pay a great deal.

MR. S. CARTER said, seeing that the Masters were to be paid for their dues the salaries they now enjoyed, he thought they ought to do some duty, and as chief clerks were to be employed, he thought the junior Masters ought to fill these or some such offices.

Mr. WALPOLE said, they could not place any of those gentlemen in inferior offices to that which they had already held: and it must be remembered that in the present case one of them was retiring after a service of twenty-eight and the other of twenty-two years.

Mr. OSWALD said, it appeared that the first clause of the Bill abolished all the Masters in Chancery, and that the present clause reinstated them. He wished to see an end to the Masters' Office, and instanced a case in which he had been himself concerned to show the delay and expense which attended it.

Mr. WALPOLE said, the Masters were all abolished by the first clause, and by the third so many of them only were retained as were necessary to conclude the business at present in the Masters' Offices.

Clause *agreed to;* as were also Clauses 4 to 6 inclusive.

Clause 7, the object of which is to give power to the Masters to force the matters before them to a decision,

The MASTER of the ROLLS moved a verbal amendment, and said he had been informed that day by one of the Masters that he had sent 300 letters to different parties to proceed with their suits, and out of 130 answers that he had received, 115 of them were to state that the causes were at an end. This proved that there was an appearance of arrears which did not actually exist.

Clause as amended *agreed to;* as were also Clauses 8 to 11 inclusive.

Clause 12 (which gives power to the Lord Chancellor to provide chambers in Lincoln's Inn for the Vice-Chancellors),

The MASTER of the ROLLS observed that whilst this clause gave power to the Lord Chancellor to provide chambers for the Vice-Chancellors, it was proposed by Clause 48 to dispose of the Masters' Offices in Southampton Buildings. Now he was of opinion that the chambers in Southampton Buildings would be more convenient for chambers than any others which they were likely to obtain in Lincoln's Inn, which would probably be some distance from each other. He therefore proposed to alter Clause 12 so as to carry out this view.

Mr. WALPOLE said, that the present Vice-Chancellors' Courts in Lincoln's Inn were never intended to be more than temporary, and he knew they were inconvenient. It was the duty of the Government to provide proper courts, and the sale of the house in Southampton Buildings would enable them to effect so desirable an object. It was of the greatest importance that the chambers should be attached to the courts of the respective Judges, and that on this account the house in Southampton Buildings would be inconvenient. He thought this matter was one which would be better left in the hands of the Government.

Mr. AGLIONBY did not think the right hon. Gentleman had answered the objection of the Master of the Rolls.

The MASTER of the ROLLS agreed with his right hon. Friend as to the importance of having the chambers attached to the Judges' courts, but the clause did not provide for this. It only provided that chambers should be taken somewhere in Lincoln's Inn.

The SOLICITOR GENERAL suggested that the choice of the site of these chambers should be left to the discretion of the Government, who would of course be anxious to consult the convenience of the Judges; and he proposed to omit all the words relating to the locality of the chambers.

Mr. E. ELLICE did not see why the Lord Chancellor should have the duty imposed on him of providing courts or chambers, any more than the Chief Justice or the Chief Baron.

Sir JAMES GRAHAM said, the matter was fully discussed by the Chancery Commission, and the arrangement proposed by the Government was considered the most convenient one.

The SOLICITOR GENERAL hoped his right hon. Friend the Master of the Rolls would leave the matter in the hands of the Government.

Clause *agreed to;* as were also Clauses 13 to 37, inclusive.

Clause 38.

Mr. OSWALD asked who were, after the measure was passed, to convey messages to this House from the House of Lords? Who were to make the three bows on approaching the Speaker, in future?

The MASTER of the ROLLS said, the existing Masters would do as long as they remained in office.

Mr. OSWALD: And who afterwards?

The MASTER of the ROLLS: The

House of Lords will find their own messengers.

Mr. OSWALD: Yes, the House of Lords will find the messengers; but we are to find the money. Were not the clerks who would be appointed under this Bill competent to make the three bows?

Mr. WALPOLE: The House of Lords will find their own messengers.

Mr. OSWALD: I have given a hint which I hope will not be forgotten, and that the three bows will not cost the country more than they do at present.

Clause *agreed to.*

Clauses 39 to 42, inclusive, *agreed to.* Clauses 43 and 44 postponed.

The remaining Clauses were *agreed to* down to the supplemental clauses.

Clause 5 *brought up*, and read 1°, 2°.

Mr. S. CARTER, on Clause 5, which was entirely new, being brought up, proposed an Amendment to the effect that the retiring pension of Masters should not exceed two-thirds of their salary.

Amendment proposed, in line 4, to leave out the words "the full amount," in order to insert the words "an amount not exceeding two thirds."

Mr. WALPOLE considered that they had no right to give gentlemen who had taken office on the understanding that they would hold their offices for life, less than the sum which they had received for the offices for which they had resigned lucrative business at the bar.

Mr. S. CARTER did not agree with the reasons urged for giving the full salary as pension. It was notorious that the country did not ask these gentlemen to abandon their practice, but that many others were willing to undertake the duties of the office in question.

Mr. ROUNDELL PALMER thought it would be contrary to the principle that House had always acted upon towards vested interests—namely, to secure the whole amount of salaries which otherwise would be secured to them for life—if they adopted the Amendment. He thought, however, that if full salaries were paid, parties receiving salaries ought to perform services for them either in their own office or in some other office.

Mr. CHISHOLM ANSTEY thought it would be unwise to part with those four Judges, and tol ose all control over them, as proposed by the clause. The effect of the clause was to give a boon to the gentlemen who were to retire—it was, in fact, to increase their retiring allowance. He thought those gentlemen ought to be at the command of the Lord Chancellor, to be employed in any way which might assist in working out those reforms which were in progress.

Sir WILLIAM PAGE WOOD observed that none of the Masters wished to retire, and as they had been appointed during good behaviour, they had a life-interest in their offices. If, therefore, it was considered that the abolition of the office was for the public advantage, the holders ought to receive full compensation.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 90; Noes 10: Majority 80.

On Clause 43, which had been postponed,

Mr. S. CARTER proposed as an Amendment to reduce the salary of the officers appointed under this clause from 3,000*l.* to 1,000*l.* per annum.

Amendment *negatived.*

Clause *agreed to.*

Clause 44, which had been postponed,

Mr. T. DUNCOMBE moved to omit after the words "it shall be lawful" all the words to the end of the clause, and to substitute the following:—

"For every person who on the first day of Hilary Term, 1852, held the office of chief clerk to any of the Masters in ordinary of the said Court of Chancery, and who is not hereby appointed a chief clerk to the Master of the Rolls, or to one of the Vice-Chancellors, under the authority of this Act, upon the Master to whom he shall be such chief clerk being released from the duties as such Master, under the authority of this Act, to continue to be entitled to receive during his life, by way of retiring pension, the full amount of his salary as such chief clerk, such salary to be paid and payable out of such funds and in such manner as hereinafter in that behalf directed."

Mr. WALPOLE opposed the Amendment. The office of the clerk was dependent on the life of the Master, and every clerk accepted his appointment on the express understanding that it was to lapse with the life of the Master. This being so, it was unreasonable to require that compensation should be given for this as for a permanent office.

Mr. S. CARTER remarked that, according to this proposal, the clerk would receive for his own life, by way of compensation, what at best, and in his safest tenure of it, he was only entitled to hold till the death of the Master.

The MASTER of the ROLLS said,

as regarded what had fallen from the right hon. Gentleman (Mr. Walpole), that each Master's successor brought in his own clerks, that there was not a single instance of a chief clerk being turned out by a Master.

Mr. WALPOLE said, he would adopt the principle of the hon. Gentleman's Amendment.

Mr. T. DUNCOMBE was satisfied with the right hon. Gentleman's statement.

Clause *agreed to.*

The MASTER of the ROLLS proposed to insert the following clause after Clause 43: A. (Pensions to Chief Clerks and Junior Clerks in cases of permanent infirmity.)

"It shall be lawful for the Lord Chancellor, with the consent of the Commissioners of Her Majesty's Treasury, by any order made on a petition presented to him for that purpose, to order (if he shall think fit) to be paid to any person executing the office of chief clerk or junior clerk to the Master of the Rolls, or any of the Vice-Chancellors, who shall be afflicted with some permanent infirmity, disabling him from the due execution of his office, and shall be desirous of resigning the same, an annuity not exceeding two-third parts of the yearly salary which such person shall be entitled to at the time of presenting such petition, and be paid and payable at the same times, and out of the same funds, as compensations under this Act are directed to be paid."

Clause *agreed to.*

Remaining Clauses were then *agreed to.*

Mr. WALPOLE said, that before the Bill was reported, he was anxious to express on the part of the Government, and particularly on the part of the Lord Chancellor, the profound appreciation which both entertained of the great learning, ability, and assiduity displayed by the learned Commissioners to whom the important duty was assigned of drawing up the Report on which were founded the two measures the details of which had occupied the House that evening—measures of which he would not hesitate to say that none had ever been introduced so well calculated to effect an improvement in the administration of the law in this country. He would only add, that it afforded him a personal pleasure to bear testimony to the high appreciation by the Government of the services rendered by the Lord Chancellor in carrying out the suggestions of the Report.

Sir JAMES GRAHAM entirely concurred in the propriety of the observations which had fallen from the right hon. Gentleman. He was sorry that doubt should have been thrown from any quarter on the intentions of the Lord Chancellor with respect to these important measures, for, from every communication he had had with the Lord Chancellor, he entertained the conviction that the noble and learned Lord, from the moment he accepted the seals of his high office, was resolved to give effect, as far as it lay in his power, to the recommendations of the Commissioners. His exertions in this respect had reflected the greatest honour on the noble and learned Lord, and were every way worthy of his distinguished character.

House resumed. Bill *reported.*

The House adjourned at half-after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 14, 1852.

Minutes.] Public Bills.—1ª Lunatics.
Reported.—School Sites Acts Extension.
3ª Differential Dues.

THE GREAT WESTERN, &c., RAILWAY COMPANIES AMALGAMATION BILL.

Order of the Day for taking into Consideration Standing Order No. 185, sec. 1, in order to its being dispensed with, read.

Lord BEAUMONT moved that the said section of the said Standing Order be dispensed with. The question involved in the Motion was, in reality, whether there should be only one means of communication between London and the Mersey and between London and Ireland, and whether the vast and important traffic now conducted between those two points of the kingdom should be confined to one single means of communication, and that the proprietors of that communication should possess a monopoly. If his Motion was negatived, their Lordships would come to a contrary conclusion to that which they had arrived at upon a former occasion. Some time ago their Lordships gave their consent to two Bills creating railways, the one between Birmingham and Shrewsbury, and the other between Shrewsbury and Chester. It was well known that since those railways had been constructed, the amount of traffic had enormously increased; in fact, so much so, that it would be dangerous to entrust it to one line. Their Lordships wisely foresaw that this would be the case, and therefore sanctioned these Bills. The London and North Western Company exerted every means in their power to oppose the passing of these Bills;

but they failed in their opposition, in consequence of both Houses thinking it advisable that another and competing line should exist between London and the north-western parts of the kingdom. The two smaller companies were then harassed by their formidable rival in every way possible, and their opponent at last had succeeded in placing such impediments on their working that they were gradually losing their traffic; they therefore felt that their only resource was to seek an alliance with some other Company. They accordingly sought that of the Great Western, in order to carry out a proposition that there should be two continuous lines between London and the Mersey; and if this Bill passed, the public would be in possession of those two lines. A Bill to carry out this great object was introduced into the other House of Parliament, and the House of Commons adopted a Resolution, that it was for the public advantage that two lines of communication should thus exist. The Bill then arrived at their Lordships' House; but before they could discuss its merits, it was necessary that the Standing Orders should be complied with. One of those orders, known by the name of the Wharncliffe Order, was extremely important. It required that the assent of four-fifths of the shareholders should be given to every new Bill before it could receive the consideration of the House. This order was for the purpose of protecting a minority. Originally the assent of only three-fifths was required, but it had been subsequently increased to four-fifths; giving a protection to a still smaller minority. The shares in the Shrewsbury line were extremely low in the market, and a powerful and wealthy Company like the North Western, of course, found very little difficulty in making itself possessor of a large proportion of the shares. That was done accordingly, for the protection of its interest, and to prevent the amalgamation; and the consequence was, that when the meeting was held, the four-fifths could not be obtained. The Standing Orders Committee had reported that they saw no reason for recommending the suspension of the Standing Order. That Committee, however, could only look at the technical question, and leave it to their Lordships to suspend the Standing Order, although it had not been complied with, if they considered that the merits of the case justified them in doing so. The Standing Order might generally work well; but cases must arise in which, if acted upon, it would occasion great public inconvenience and injury. If their Lordships refused to suspend the Standing Order, and thus prevented the Bill from being considered upon its merits, they would confirm for ever the great monopoly in the hands of the London and North Western Company, because, by throwing out the Bill, they would utterly destroy the chance of a competing line being established. If their Lordships sanctioned the continuance of the present monopoly of communication, they would not only endanger the interests of commerce, but they would peril the lives of persons travelling upon a line so encumbered and overwhelmed with traffic. He entertained the strongest conviction, from the evidence before the Committee, that the minority of shareholders opposed to the amalgamation was composed of persons interested in the London and North Western line; and if their Lordships persisted in enforcing the Standing Order, the Shrewsbury and Birmingham and the Shrewsbury and Chester Companies must be annihilated.

LORD LYNDHURST said, that their Lordships might perhaps recollect that three or four years ago a Bill was pending in that House for the purpose of making a railway from Oxford to Birmingham. That Bill was zealously opposed by the London and North Western Company, with the same feelings, and he believed by the same means, as they had adopted on the present occasion. He took a part then in opposition to the North Western Company; and with the assistance of his noble and learned Friend, who then presided in that House, the late Lord Cottenham, succeeded, for the benefit of the public, as it now clearly appeared, in frustrating that attempt. He approved entirely of the Standing Order to which the noble Lord had referred. It was passed to protect the minority against the wild speculation of the majority; but it was never intended, he apprehended, to stand in the way of any great public interest. A railway was, to a certain degree, by its very nature, a monopoly. Their Lordships conferred great powers upon these establishments; but it was, at the same time, the duty of their Lordships to take care that those powers were not used for the purpose of extending that monopoly, or for the purpose of crushing less powerful companies. At the present time there was but one line of railway communication between London and the Mersey, and it was, therefore, particularly the duty of their Lordships, not only to see that there was no abuse of the powers conferred upon that Company, but that those powers should not be used to extend that monopoly. Now, what was the railway proposed to be established by this Bill? It was a railway passing through Staffordshire and Shropshire, counties rich in minerals and the seats of manufactures of the most important character; and by the Bill it was sought to give them the advantage of communication on the one hand with Liverpool, and on the other with London and Southampton. Of the three railways interested — the Great Western, the Shrewsbury and Birmingham, and the Shrewsbury and Chester—which had now entered into an alliance for the purpose of effecting this object, the Chester and Shrewsbury was the first established. On its starting, the North-Western Company foresaw the consequences which must flow from the establishment of that railway; and they had, therefore, exhibited towards it the most incessant hostility, and had sought to lower the value of its shares, in order to get possession of it, and by that means to break one link in that chain of so much importance in the communication to which he had referred. The Chester and Shrewsbury Company, in consequence, had had to apply over and over again to the Court of Chancery, and had obtained injunction after injunction to protect themselves under these assaults. In May last, the directors of these companies held a meeting to see if they could make an agreement under which they might form an amalgamation. They agreed upon the terms; but the agreement was, of course, subject to the ratification of meetings of the different Companies. There were meetings held of the Great Western, the Shrewsbury and Birmingham, and the Chester and Shrewsbury Companies. Those meetings were advertised in the ordinary way; and now let us see the course pursued by the London and North-Western Company. The North-Western purchased a large number of shares, and divided them in such a manner as to give an undue preponderance to their own shareholders. Some of these shares were distributed among clerks, porters, and others connected with the Company, in the hope that by resorting to that means they might succeed in overpowering the other Companies. But this was not all. They had allies of the greatest power and influence, the leader of whom was a man of great note, of great name, and the head of a great league—the Anti-Corn-Law League—Mr. George Wilson—*clarum et venerabile nomen.* Mr. Watkins, the secretary, and many of the committee of the Anti-Corn-Law League, all united together for the purpose of assisting the North-Western Company. These enemies of all monopoly, who hated monopoly except that in which they were themselves deeply interested, were the zealous friends of the Company, and assisted them in accomplishing their object. What was the result? The North-Western Company was defeated, not by a majority only, but by between three and four-fifths of the shareholders, who voted in favour of the plan of amalgamation, and the Bill was carried in spite of all the combination, contrivance, and trickery he had mentioned. The Bill was then introduced into the House of Commons, and referred to a Select Committee, the chairman of which was Mr. Christopher, the Chancellor of the Duchy of Lancaster, who examined it with the most scrupulous care. It was opposed by the North-Western Company; but notwithstanding their most strenuous exertions, the Committee passed the measure, so satisfied were they of its propriety. According, however, to the Standing Orders of their Lordships' House, it was necessary that the three Companies should again meet and agree to the amalgamation; and the man must be credulous, indeed, who supposed that the same barefaced practices which were formerly adopted were not resorted to on that occasion, though, perhaps, in a more cautious and moderate manner. It was in this way that the Bill, which he considered of the highest importance to the districts affected by it, had been defeated; and on the grounds of public policy—that the great majority of the shareholders of the three Companies had acceded to the arrangement, and that there were reasons for at least suspecting unfair conduct on the part of the opposing Company—he would support the Motion for dispensing with the Standing Orders.

LORD REDESDALE said, the subject under discussion was one of no ordinary importance, for that was the first time an attempt of the kind had been made in their Lordships' House, to set aside the decision of the Standing Orders Committee when those orders had in no way been complied with. On all former occasions, he believed, when their Lordships had suspended the Standing Orders, they had done so on the recommendation of the

Standing Orders Committee, except in the Smithfield Market case, when the House resolved (in his opinion most dangerously) that the notoriety of the intention of the Government to take steps for its removal might be held to excuse the giving regular notice. He thought no sufficient grounds had been shown to justify the House taking the course suggested by the noble Lord (Lord Beaumont). The noble Lord said that the question was, whether there should only be one line of communication between London and the Mersey. But this Bill was not for opening up a new communication between London and the Mersey—it only amalgamated certain lines which formed at present a communication between those points. Those lines were sanctioned for the purpose of affording the advantage of railway communication to a district which did not possess such accommodation, and there was at the time no notion that they would form a competing London line. The noble Lord said it was impossible to give such a communication without an amalgamation of the lines; but the experiment had never been tried, and no opportunity had been afforded for judging how far existing arrangements might enable his object to be attained. Was the noble Lord certain that an amalgamation would secure two competing routes of railway? It was his (Lord Redesdale's) impression that as soon as the Great Western Company became amalgamated with these minor companies, instead of there being a competition between them and the North-Western Company, from London to the Mersey, the two Companies would ultimately come to a traffic arrangement, to avoid, as it is called, "cutting each other's throats," which would put an end to all competition. The case of the Shrewsbury and Birmingham Company was a very peculiar one, and showed the necessity of the Standing Order. Last year the directors came to an arrangement with the Great Western Company; but the shareholders called a meeting to consider the subject, and they passed, by a majority of 2,000 votes, and in the very teeth of the directors, a proposition in favour of an amalgamation with the North-Western Company. This decision of the proprietors had been overturned by the management of the directors. It came out in evidence before the Committee, what the directors of a Company could do—that they had it in their power to use the money of the Company for the purpose of obtaining votes; and in the Shrewsbury and Chester case one of the directors admitted that they had made many thousand votes by getting their friends to split their shares, and that all the transfers and retransfers had been effected at the expense of the Company. The case of the Great Western, and the Shrewsbury and Birmingham, and the Shrewsbury and Chester Companies, had been referred to the Standing Orders Committee; but their case broke down on their own evidence; and now they wished to set aside the Standing Orders, to have the Bill tried on its merits. The public had a right to look to the Standing Orders as a protection, and if they were to suspend them on the present occasion, they would open a door, which they would be unable to close, to jobbery, and vicious proceedings of all kinds.

Lord LYNDHURST explained, that what he said was, that unless an amalgamation was to place the Companies under one direction and one set of officers, it would be impossible to have any opposition to the rival line.

The Duke of RICHMOND protested against the merits of the case of the particular railways being gone into, inasmuch as they had not been tried before the Committee. He believed there never was a Standing Order which worked better than that known as Lord Wharncliffe's, and he trusted that their Lordships would not consent to its suspension. Unless their Lordships supported the decision of the Standing Orders Committee, they would never be able to get noble Lords to slave and listen to all the particulars of these cases in Committee.

Lord BEAUMONT expressed his firm conviction, that by refusing to suspend the Standing Order in this case, they would be placing the order itself in considerable jeopardy hereafter; and would, by so doing, show that larger Companies might with impunity successfully crush and destroy their smaller rivals. While he expressed his determination to divide their Lordships upon his Motion, he felt bound to say that, in his opinion, the Standing Order ought not to be dispensed with upon any occasion without a sufficient case being made out for so doing.

Lord BROUGHAM objected for obvious reasons to the principle of bringing the decisions of the Select Committees on questions like the present before the House itself. When such a course was departed from, and when they were asked to suspend the Standing Orders, it behoved the parties asking for such suspension to show the necessity for such a proceeding. They were called on to adopt this step in the present instance on some allegations of fraud, which allegations were denied on the other side. The question then to be determined was, whether the Standing Orders Committee had an opportunity of exercising their judgment in the truth or falsehood of these allegations. That was an issue of fact which the House was not competent to try, and yet upon that depended the vote of every Member of the House. He understood that the Committee had had that opportunity, and that it had not thought proper, upon investigating the allegation, to report in favour of the justifiableness of suspending the Standing Order. If that were so, he was against suspending it.

The EARL of ST. GERMANS said, when he was on the Committee he thought the Standing Orders ought to be suspended; but subsequent consideration made him arrive at a different conclusion. In reply to the noble and learned Lord, he had to state that the Committee came to a resolution which was framed by his noble Friend behind him (Lord Beaumont)—to the effect that nothing had been proved to justify them in recommending the Standing Orders should be dispensed with. He agreed with the noble and learned Lord (Lord Lyndhurst), that breaking down a great monopoly, and substituting a competing interest, was desirable; but he did not think the House had any right to call on the shareholders in any particular railway to sacrifice their interests in order to procure the public such an advantage. It was proved that shareholders representing stock to the value of 500,000*l.* dissented from the amalgamation; and there was no evidence to prove that the North Western, or any other company, had made any undue acquisition of shares. He agreed with the noble Lord (Lord Redesdale) that the proposition, if carried, would establish a very dangerous precedent, and open a door to abuses which it would be difficult to close.

LORD BEAUMONT regretted the defection of his noble Friend, and the silence of some noble Lords from whom he had expected support. The question to which the noble and learned Lord (Lord Brougham) referred had come before the Committee, and the evidence produced by the alleging party amounted to this, that 15,466 voted altogether; of those, 1,0257 voted for the amalgamation, and 5,209 were in the minority against it; and of that minority 230 votes were traced to the North-Western Railway Company; and the decision of the Committee therefore was, that as only 230 votes out of 5,209 votes were traced or proved to be in accordance with the allegation, they were not justified in recommending that upon that allegation the Standing Orders should be dispensed with.

LORD BROUGHAM: The answer of the noble Lord was perfectly fair, perfectly candid, and perfectly fatal to his own case.

EARL FORTESCUE said, that though it was not proved that more shares had been traced to the possession of the London and North Western, there was ground for strongly suspecting that it was used to a much greater extent.

The MARQUESS of LANSDOWNE said, he considered that if this Motion were carried, it would be fatal to the authority of their Lordships' Committees. But after the statement of the noble and learned Lord (Lord Lyndhurst), as to the previous proceedings affecting this transaction, whether the power which the noble and learned Lord had referred to as having been used by one of the great railway companies had been exercised in this instance or not, it nevertheless appeared that it was in the power of a great company to make use of this Standing Order as an instrument not to advance their own legitimate interests, but to defeat the substantial interests of others, and of the public; and, therefore, if their Lordships should decide that night that they were not justified in going into the merits, he trusted that no long time would elapse before their Lordships reviewed this Standing Order; for he believed that, in its present state, it afforded a great temptation to powerful companies to enter upon agreements with other companies for the purpose of establishing monopolies.

LORD REDESDALE said, there were many points connected with this case which he had not touched upon, and he warned noble Lords not to form too hasty an opinion upon the demerits of the existing order, as in the whole of his experience he had not remembered a single instance in which the regulation had operated with greater advantage, or more for the protection of the interests of the shareholders, than in the present case.

On Question, *Resolved* in the *Negative.*

COMMITTEE OF COUNCIL ON EDUCATION—THE MANAGEMENT CLAUSES.

Order of the Day for the House to be put into Committee on the Corrupt Practices at Elections Bill read.

The MARQUESS of LANSDOWNE said, he was about to move that the Order of the Day be read for the House going into Committee on this Bill; but before the House went into Committee, he wished to set himself right in the opinion of the House, and in that of the noble Earl opposite (the Earl of Derby), in reference to a statement made by him with regard to a supposed alteration having been made by the Committee of Privy Council in their Minutes subsequent to the vote being taken in the House of Commons for educational purposes. It was stated by the noble Earl the other night that the Committee of Privy Council of Education under the late Government had made an alteration in the management clauses in reference to the Jewish schools, after the vote by Parliament of the grant for the year. He (the Marquess of Lansdowne) stated in general terms that he was convinced that no material alteration had been made by the late Government subsequent to the vote for the year being taken in the House of Commons; but he had since had an opportunity of referring to the merits of the case, and he found that, so far from the proceedings of the Committee of Privy Council with respect to Jewish schools affording any such precedent, it actually appeared, by a paper on their Lordships' table, that a letter had been addressed by the Committee of Privy Council on the 8th January to the Jewish Committee, in which they were informed that unless a satisfactory arrangement could be proposed by them previous to the vote on education being taken, no such vote could be taken by which they would benefit. That did not rest on his own authority, but on the authority of the Minutes actually on their Lordships' table. At the same time he begged to state his belief that it was from mere inadvertence on the part of the noble Earl that that statement was made. He begged also to add his perfect satisfaction with the assurance which he understood the noble Earl to have given on Friday night, that no alteration should take place of a material or novel nature in the proceedings of the Committee of Council on Education until opportunities were afforded to Parliament, especially to the House of Commons, for judging of the nature of those alterations. He might be allowed also to add, that no actual proceeding whatever had taken place with regard to the Jewish schools.

The EARL of DERBY said, that on Friday last he had the honour of receiving a private note from the noble Marquess, in which he stated that it was his intention to put a question as to whether or not a new Minute had been prepared by the Committee of Privy Council on Education, but, as he understood the noble Marquess, without intending to raise any discussion upon the subject. The noble Marquess did put his question, and he (the Earl of Derby) answered it, simply detailing the circumstances; and he confessed that it was with some surprise he then heard from the noble Marquess the expression of a rather severe censure on the course Her Majesty's Government had pursued, not with regard to the substance of the Minute itself, but from the fact of having laid it on the table at all. That, he thought, was hardly consistent with the noble Marquess's declaration that he did not intend to raise a discussion. Now, expecting that no discussion would be raised, he (the Earl of Derby) had come down to the House altogether unprepared for the accusation which the noble Marquess had made in such strong terms—that the Government had purposely abstained from laying this Minute on the table of the other House of Parliament until they had obtained the grant for education by a vote of the House of Commons. He (the Earl of Derby) must say that he felt that to be an accusation highly discreditable to Her Majesty's Government, and one which he could not and ought not to pass over without observation. The noble Marquess asserted that on no previous occasion subsequently to passing the educational vote for the year, had any important alteration been made in the Minutes of the Committee of Privy Council without submitting that alteration to Parliament, in order to obtain its sanction thereto—indeed, he went further, and said that on no occasion had any important alteration been made without submitting it to the other House of Parliament previous to asking for the educational vote for the year. Now he (the Earl of Derby) was not prepared at the time with any precedent in reference to the conduct of the Committee of Council; but it did occur to him that in the course of last winter a declaration was made on the part of the Committee, by means of a Minute, that they would consent to grant assistance to Jewish schools—they having in the year 1849 (and no alteration having been made by them in the meantime) declared that those schools were not, under the terms of the Minutes, admissible to participate in the grant for education. But though the case of the Jewish schools might not afford him a precedent of the sort, yet he was quite sure that he should satisfy their Lordships that, in the declaration which the noble Marquess had felt himself called upon to make, he was speaking in error and misapprehension in the general assertion which he made on Friday; and he (the Earl of Derby) was in hopes when he saw the noble Marquess rise that evening, that he was about to correct that misapprehension. The House would recollect that the statement of the noble Marquess was, that it had never been the practice to make any material alteration in the Minutes of the Committee of Privy Council subsequently to obtaining the sanction of Parliament to the educational grant for the year. Now he begged their Lordships' attention to the following facts:—In the year 1847, 100,000*l.* was voted on the 26th of April, and on the 10th of July there was passed by the Education Committee a supplementary Minute, that supplementary Minute being represented by the noble Marquess himself, in a discussion which afterwards took place in this House, as one of very great importance, and which would enable the Committee of Council to give assistance to many schools to which they were previously debarred from giving such assistance by the Minutes which had been laid before the House. That supplementary Minute was agreed to on the 10th July, 1847, and the effect of it was to admit to the benefit of the public grant for education all schools which refused to submit to any inspection or report with regard to the religious instruction which was given in those schools. Surely the noble Marquess would admit that that was an important alteration in principle. The vote being passed on the 24th of April, the supplementary Minute was agreed to on the 10th of July, and laid upon the table of this House on the 16th of July; but it was not even then, nor until it had been called for, laid upon the table of the other House of Parliament. He (the Earl of Derby) took the liberty of commenting upon this fact on the 22nd of July, and on the 23rd—the following day—Parliament was prorogued previously to a dissolution. Passing over minor instances of the same kind, he presumed that their Lordships would be of opinion, since great stress had been laid upon the proposed alteration of the management clauses by the present Committee of Council, that these management clauses themselves formed a rather important portion of the system. Well, the vote for the year 1847 was taken on the 26th of April, and the management clauses A, B, C, and D, which regulated, for the first time, the whole of the restrictions imposed upon grants to Church of England schools, bore date the 28th of June, 1847; and for the first time they were laid before Parliament, not in the course of that Session—not only not previously to taking the grant for that Session—but they were not laid before Parliament until they appeared as part of the blue book; subsequently taking the vote—not for that—but for the succeeding Session of Parliament. In short, the management clauses were passed after the vote for the year was taken, whilst Parliament was sitting, and were not submitted separately to Parliament at all. The vote for the following year, 1848, was taken on the 23rd of August, and the management clauses so contained in the blue book were laid before their Lordships' House on the same day; but they appeared not to have been laid before the House of Commons until the 22nd of August, the day after the vote was taken, and then they were produced without any explanation. Again, after considerable discussion with the National Society for Education, the management clauses were revised and altered materially in the year 1849. But, from that day to this, alterations so made had never been separately laid upon the table of the House, but were inserted in the blue book. The Vote for the year 1849 was taken on the 4th of June, and the revised management clauses appeared in the Minutes of the Committee of Council of 1848, but they were for the first time submitted to Parliament on the 28th of June, 1849. He had now stated the important occasions upon which, contrary to the statement of the noble Marquess, material alterations were made whilst Parliament was sitting, and subsequently to the Estimates for the year having been granted; and which alterations were not communicated to Parliament at all until the following Session—one of these alterations being the alteration of the whole system of the management clauses, of which the present Minute was not so much an alteration as an alternative offered to the Church schools for the acceptance of the management clauses in their present or amended state. He hoped he had now said enough to satisfy their Lordships that in the course Her Majesty's Government had pursued, they had not been without a precedent to support their views. At the same time he must positively disclaim, for himself and for his Colleagues in the Government, any desire whatever to withdraw from the fullest cognisance of Parliament this or any other alteration that might be proposed; and if the noble Marquess would like to discuss the merits of the particular alteration now contemplated—which, being substantially agreed to a week ago, was finally arranged on Saturday last, and which he (the Earl of Derby) had brought down to lay upon their Lordships' table to-night—he should be most happy to give him the opportunity of doing so. With regard to the particular time at which that Minute was agreed upon, he could assure the noble Marquess that, at that time, he did not himself knew whether the specific Vote for education had passed the House of Commons or not; but if it would be any satisfaction to the noble Marquess, he would tell him the ground upon which that particular time was chosen for no longer delaying to come to a conclusion upon the Minute. The fact was, that on the following Thursday there was to be the annual meeting of the National Society; and Her Majesty's Government were extremely desirous, by making an alteration which they hoped would meet the views of moderate Churchmen, to prevent a repetition of the very painful discussion which took place last year, and to prevent the bringing forward of extreme opinions on either side, and to reconcile, previous to the annual meeting, the great body of Churchmen upon a subject with regard to which there had hitherto been most unfortunate, and he thought unprofitable, discussions between them.

The Marquess of LANSDOWNE said, he wished shortly to state that he placed the most implicit faith in the statement made by the noble Earl as to the circumstances under which this Vote was moved in the other House of Parliament. He had not intended to cast any imputation whatever on the good faith of the noble Earl. But with regard to the other point to which the noble Earl had adverted —that of the management clauses—he

(the Marquess of Lansdowne) admitted that if the noble Earl could prove that the alterations made by the late Committee of Privy Council were alterations of the system, and not such as were adopted in consequence of explanations given in Parliament—that they could not be considered in any other point of view than as a change of principle—he would be justified in the observations he had made. It would be obvious to their Lordships that he (the Marquess of Lansdowne) could not go into the question in that incidental way; but he should be prepared to do so on a future occasion. But he believed the alterations in the clauses in question were not alterations of the system, but were strictly in furtherance of the assurances given to Parliament for the carrying out of that system.

The Earl of CHICHESTER begged to corroborate the statement of the noble Marquess, that the management clauses were not in themselves an alteration of the principle of the system, but were merely a more perfect carrying out of the system to which Government were previously pledged; in proof of which he referred to communications he had had with the noble Marquess on the subject of a Motion which he had intended to bring forward with the view of making the imposition of the clauses compulsory, but which Motion he had abandoned when he learnt the intentions of the Government.

The Bishop of OXFORD thought that the assistance which the noble Earl had intended to give the Government by his statement was rather of an unfortunate character; inasmuch as the fact that the noble Earl had mentioned, that he had himself intended to bring forward a Motion on the subject, showed that he considered the matter to be one of very great importance. The noble Marquess had described the former alteration of the management clauses as an unimportant charge, and not falling within the category of an alteration at all.

The Marquess of LANSDOWNE: No, no; far from it.

The Bishop of OXFORD had understood the noble Marquess to say that it was merely a carrying out of what had been done before, and was therefore not necessarily laid before Parliament. He, on the other hand, thought it was an operation of the greatest possible moment, and one on which Parliament ought to have been fully consulted, and had the opportunity of expressing an opinion. He thought that if this noble Marquess would fix a time when the question could be properly discussed, he should be able to show the noble Marquess that very important changes had been repeatedly introduced by the late Government after the annual vote had been taken.

The MARQUESS of LANSDOWNE said, he should have felt it highly improper to go into the general question: all he wished was to set himself right. He admitted that the management clauses were an important change as to the mode of administering the grant, but there was no change in principle. The object was that schools of every denomination complying with those conditions might derive the benefit of the grant.

SURRENDER OF CRIMINALS (CONVENTION WITH FRANCE) BILL.

LORD BROUGHAM rose to implore his noble Friend opposite, before the next stage of the Bill, to reconsider the propriety, which he would strongly urge upon them, of withdrawing the measure. They had the best possible opportunity of doing so, on account of the total change in the law of France which had taken place upon the very subject of extradition since the Convention was entered into.

The EARL of MALMESBURY: It is not at all necessary that I should detain your Lordships before I give an answer to the request which the noble and learned Lord has addressed to me, because I have already made up my mind upon the subject. I had come down to the House intending to inform your Lordships at the proper time that Her Majesty's Government thought fit at present to withdraw this Bill. I think at this moment, after what the noble and learned Lord has said, that I need not exculpate myself for a mistake into which I fell on a previous evening, which originated in an error of the person who wrote the despatch to me, and which our Ambassador at Paris has desired me to explain in the manner I have now done. Before I leave this subject, I only wish to state that it would be extremely dangerous, I think, at the present moment, for Her Majesty's Government to continue this Act of Parliament under the new law which has been passed in France. In the first place, I cannot yet understand the full bearing of that law; but, as far as I do understand it, it would seem to give the French Government a power to reclaim any criminal from any part of the world wherever he committed the offence—though it was not committed on French ground, and though the party were not a Frenchman.

LORD BROUGHAM: Yes; an Englishman in London.

LORD MALMESBURY: I would beg to suggest to your Lordships that we should have no discussion at present upon this Bill. Suffice it that, on these grounds, I had intended at the proper moment to have told your Lordships that Her Majesty's Government had for the present suspended the further progress of the measure.

LORD BROUGHAM said, that nothing could be more satisfactory than this course, and nothing could be more complete than the justification of the noble Earl for so acting. He could do no other, after finding that he had been misinformed as to the actual state of the French law. The new law was, that an Englishman for an offence committed in London, or alleged to be so committed, might be brought to trial in France, and dealt with by the French authorities. It was not for the first time that a law of this sort was propounded in France; it was in a great measure the same under the Emperor Napoleon, in 1808, when France, England, and Europe were in totally different circumstances. Since then, owing to that diversity of circumstances, the law had been a dead letter; but it had been now revived, and with a very material extension, having reference to misdemeanours as well as other crimes.

LORD LYNDHURST said, that by the existing French law, supposing the Bill before the House to have been carried, an Englishman might have been apprehended here after he had been in Paris.

[Subsequently, Order of the Day for receiving the Report of the Amendment, read, and *discharged;* and Bill (by leave of the House) *withdrawn.*]

CORRUPT PRACTICES AT ELECTIONS BILL.

The MARQUESS of LANSDOWNE, in moving that the House go into Committee on this Bill, said the measure was one of great importance, and he would endeavour, in a few words, to state its object, having, by arrangement with the noble Earl opposite, refrained from doing so on the second reading. The noble Marquess, after referring to the disgraceful proceedings which had taken place in the borough of St. Albans, and to the consequent inquiry before a Committee of the House of Commons, said that this inquiry had not come to a satisfactory conclusion, owing to certain witnesses being prevented attending, whereby the ends of justice had been defeated. A proceeding of a different kind was, therefore, adopted, with the almost unanimous consent of both Houses of Parliament; and a Commission was appointed to make an inquiry on the spot. In consequence of the success of that measure, and of the apprehensions entertained (he feared justly) that practices similar to those at St. Albans extended to other places, the late Government had thought it expedient to introduce a measure, the object of which was to convert that which was a particular law into a general law, applicable to all cases, and which might be brought into operation whenever the House of Commons thought such an inquiry as took place at St. Albans necessary. It was needless, he was sure, to dwell on the importance of extinguishing corruption wherever it existed; for he apprehended that it was not in that House that persons would be found to raise their voices in favour of so flagrant a vice, and one so utterly subversive of constitutional principles. He wished to show how far the measure was calculated to attain its object. The House was aware that various attempts had been made from time to time in the other House to extinguish corruption, but they had proved comparative failures. Young aspirants for the honour of statesmanship had sought to win their spurs, and the most experienced men in the other House had turned their attention to the abatement of this evil; but the result was that corrupt practices remained just where they were before. The inquiries of Election Committees had led to a perfect manual of corruption in the shape of blue books, by which the unscrupulous, combining with the vulgar, were enabled to defeat the law. These details showed that in some places every man's conscience was for sale, and the precise price defined. Such being the case, it became an object of the greatest public necessity to introduce a Bill which should remedy this state of things. And nothing was more likely to promote—what all considered so desirable—the pure and unbiassed choice of the electors, as holding over every borough the certainty in prospect of an investigation, such as that which had been made by the Commission in the St. Albans case, not confined to the particular matters or the particular corruption of the election which was the immediate cause of the inquiry, but going back, if necessary, to other elections and preceding transactions, to exhibit what was the general state of the constituency, and to enable Parliament to judge, by positive evidence, as to the degree in which corrupt practices had taken root in such places. Upon these grounds the Bill had been brought forward. It armed the Commissioners with great powers, but not more so than were justified by the occasion—if they were an inquisition, they were a holy inquisition, engaged in the prosecution of a moral and justifiable undertaking. They had evidence that the Commission had acted well, and had discharged its duty in the case of St. Albans; the results were unexceptionable, even to those whose interests were affected. The Gentleman who was the principal victim of that Commission, had had the candour and justice to admit that the conduct of the Commissioners had been perfect and unexceptionable; he went the length of saying that he had the same respect towards those Commissioners that a child would feel for the parent who had corrected him. He hoped that was also the feeling of many of the electors. The result had been the disfranchisement of St. Albans, so justly deserved. He trusted that their Lordships would not object to this extension, considerable as it was; remembering that they would still have it in their power to review the decisions of the Commissioners before they were carried into effect. He rejoiced that he did not feel himself called upon to enter into questions to which a noble Friend of his on the cross benches had recently called their attention, relating to the improvement of the existing constituencies; for whatever those constituencies might be —whether they were large or small—that had nothing to do with the principle of this Bill, the object of which was to remove the reproach which in the eyes of the public and of foreign countries attached to our Constitution, namely, that various individuals, or bodies of individuals, had the power of influencing the return of those who were supposed to be the representatives of the whole nation. He anticipated the assent of the noble Earl to this measure, being convinced, if it were adopted, that it would afford the most effectual means for the castigation and exposure of that corruption which, unless it were laid bare and exposed, would remain for ever a corroding canker at the root of the electoral system.

Moved—"That the House do now resolve itself into Committee."

The Earl of DERBY: My Lords, the object of the Bill, as explained by the noble Marquess, is one which, no doubt, will meet with the general concurrence of your Lordships, as it has that of the other House of Parliament. None of your Lordships can desire that that system of bribery and corruption, by which, of late years especially, many cities and boroughs have been disgraced, and which is, I am afraid I must say, increasing, should remain unchecked. And I admit that it may be necessary, for the purpose of effectually repressing this system, that Parliament should consent to a measure of a somewhat exceptionable character, and not rely upon meeting each individual case by a separate Act of the Legislature; but that you should provide the means by which Parliament may have the opportunity of inquiring into the proceedings of delinquent boroughs. Inasmuch, however, as this Bill is of an exceptionable character, inasmuch as it constitutes a tribunal exempted from all the ordinary forms of judicature, and invested with extraordinary powers, I am sure that your Lordships will think that it is due to the best interests of the country that not only the powers proposed to be confided to that tribunal should be carefully considered, and strictly limited, but also that you should consider the circumstances to which these powers are to be applied, and the conditions under which they are to be brought into action. My Lords, the Bill which you are now called upon to pass is a general enactment to enable tribunals to be constituted, with all the extraordinary powers with which by special Act of Parliament you have felt it necessary to invest similar Commissions, first with respect to the borough of Sudbury, and afterwards that of St. Albans. That tribunal, besides having the power to call before it all persons to give evidence, even such as may criminate themselves, has the very extraordinary power of giving an indemnity to those persons who in their judgment shall have given fair and candid evidence, which otherwise would have subjected them to a prosecution in the courts of law. This applies also to what has hitherto been deemed the exceptional case of confidential communications. I think that there being extraordinary powers proposed to be given, not merely for the purpose of inquiry, but leading to ulterior consequences in the form of disfranchisement, you ought not to consent to confer them upon any Commission without due consideration. Hitherto it has been required that when a Committee of the House of Commons should by investigation come to the conclusion that extensive bribery has been committed in any particular borough, and has so reported to the House, a Bill should be introduced and submitted to the consideration of your Lordships' House, specifying the particular powers intended to be given, nominating the Commission by whom the powers are to be executed, and asking for your Lordships' concurrence, and the sanction of the Crown, for the establishment of a tribunal in the individual instance for the purpose of previous investigation. This Bill, however, proposes, as a general rule, to establish this tribunal for the trial of delinquent boroughs. I think it is important that you should consider whether these powers should be conferred without some safeguard that the House of Commons will not exercise the authority entrusted to it in an arbitrary manner. But I find that it is proposed in this Bill, as it stands, that whenever the House of Commons, upon the report of a Committee which may have sat for the purpose of inquiry into the circumstances of an election, shall have arrived at the conclusion that bribery has prevailed, and shall have voted an Address to the Crown desiring further inquiry, such inquiry shall take place at once without reference to your Lordships' House. It cannot be said that this is a matter which concerns the jurisdiction of the House of Commons alone, or that it is analogous to an inquiry before an Election Committee, the result of which was that A. or B. was the sitting Member, and which did not affect the borough or county itself; for this is a Bill which introduces inquiry preparatory to disfranchisement, and which has for its end to bring down penal consequences upon the delinquent borough. It is true this must be done by further legislation; but the appointment of the Commission itself is, for the first time, to be left in the hands of the House of Commons exclusively; and it is put out of the consideration of your Lordships, whether or not it is a case to which these extraordinary powers of investigation are to be applied. It is well worthy of consideration, whether your Lordships are disposed to part so far with the power you at present possess as to sanctioning by vote the application of this machinery to any county or borough at the mere will and pleasure of the House of Commons, on a simple Address to the Crown, or whether your Lordships will, as I confess I think you ought to do, require that the House of Commons, having taken a preliminary examination, and obtained the evidence on which they think it expedient that such a Commission should issue, to communicate that evidence to your Lordships; and that the further proceedings should take place, not upon the Address of the House of Commons only, but upon an Address of the two Houses conjointly. There is a further security also, which has hitherto always been adopted—Parliament will not confer these powers in blind confidence, without knowing the agents to whom the execution of them is to be entrusted, and we have always hitherto required that the Commissioners should be named in the Bill. In this Bill we go somewhat further, for we are asked to give the House of Commons the power for all future time, of putting this machinery into operation—ousting your Lordships of all jurisdiction hereafter, and vesting these arbitrary powers in the other House, to be exercised by persons nominated by the will of any Government which might be in office. I much doubt whether we ought to confer this extraordinary power upon the House of Commons alone, whether it is not just and equitable that we should reserve to ourselves the power, not of joining the House of Commons in passing an Act for each separate case, but of concurring with that House in an Address to the Crown to institute an inquiry in every particular occasion. I think the remedy ought not to be applied beyond the exigency of the case. There is another point also which is worthy of consideration. As the Bill was first introduced by the late Government, it only applied to those places where bribery and corruption had been proved to exist—its operation was confined to cities, towns, and boroughs; but upon the third reading an Amendment was proposed and carried by a small majority, extending the jurisdiction to counties, divisions of counties, and the universities, with respect to which no allegation of bribery has ever been brought. I must confess that, in cases where you are called on to apply extraordinary remedies to great grievances, I think those remedies ought to be confined to those cases simply where the grievances are proved to exist. It is an invidious thing to involve in the reputation of corruption those places against which, I believe, no accusation has ever been made. I shall, therefore, propose that your Lordships restore the Bill to that form which it bore when originally introduced to the other House of Parliament, by confining it to cities, towns, and boroughs, and by rejecting those words which were inserted in the manner I have stated. I also object to that provision of the Bill which gives the Commission power to carry back their investigation to any length of time they may think fit. I think that is a power beyond the exigency of the case. It may be quite right, where the prevalence of corruption has been ascertained in in any borough, to give large powers to the Commissioners; but it appears to go beyond the exigencies of the case to give to unknown and unnamed Commissioners the power of carrying back their inquiries to any period, however remote, which they might think fit to inquire into, without there being any allegation that in the intermediate period bribery had been committed. I think it is monstrous that, in inquiring whether bribery has existed in any particular borough in 1852, in 1847, or even in 1841, you should give power to carry the investigation back to a period even antecedent to the Reform Bill, under a different constituency—so different that it might involve a different generation of men, and be an inquiry into the sins of a generation long passed away, in the time and under the auspices of their grandsons. It would be unjust to visit the errors of a former generation on their descendants; and I think, moreover, it would be exceedingly inconvenient to certain persons of elevated position in the cases of old boroughs, to go into all the instances of bribery which have occurred there, and to call before the Commission all parties who had been concerned in these transactions, for the purpose of stating all they knew about the corruption of the borough. I do not refuse that an inquiry should take place into systematic corruption, limiting it to such elections in the course of which a Committee of the House of Commons may have reported that bribery had existed. I think also that power might be given, supposing that bribery should have been proved to exist at that particular election, to go into the next preceding election; and if it should have been proved to exist at that also, to the next preceding; and so on to unravel a systematic course of bribery and corruption existing in that particular borough for a long course of time. Another objection I take to this Bill is, that for the first time it puts bribery and treating upon precisely the same footing. You must remember that you are examining with a view to penal consequences, and that while bribery is an offence well known to and punishable by the law, there is no legal definition, as far as I am aware, of the offence of "treating," and certainly no punishment affixed to it by the law. The House of Commons has also hitherto always drawn a broad distinction between the two; the fact of bribery being proved to have existed at an election incapacitates the Member from sitting in that Parliament, while the fact of treating merely voids the election, but inflicts no kind of disqualification upon the Member who has lost his seat in consequence of it. You must also remember that it will depend upon the construction of each individual Election Committee as to the amount of treating which may be thought sufficient to justify the recommendation of a further inquiry by Commission. I am far from attempting to palliate that mode of influencing an election which takes the form of beastly intoxication, and which in itself is as discreditable as to receive a bribe of money; but you are to recollect that, although that description of treating may be as objectionable in character as bribery itself, yet there are forms of it so entirely innocuous, so free from all guilty tendency, and all guilty intent, that I am sure your Lordships would be reluctant to visit them with the severe penalty which is contained in this Bill. I think I may say with perfect confidence, that there never has been a contested election for county, city, town, or borough—I do not know about the Universities—in the course of which there has not been committed, by some agent, some offence which might, by a Committee of the House of Commons, be considered as treating. I think, with these modifications which I have enumerated, there will be not only no reasonable objection to the Bill, but we shall be following the precedent which, in reference to tribunals of this kind, has been already admitted—that is, on the principles adopted in the General Enclosure Acts. With these Amendments, I think the Bill will not only be harmless but useful; and from them I hope your Lordships will infer no desire on my part to interfere with the working and application of the measure, because I know the evil is increasing, and will increase, and cannot be checked, except by some stringent measure; and, entertaining that opinion I will not examine very minutely even the extraordinary powers which are conferred by this Bill.

The Duke of ARGYLL said, it was impossible not to feel, with regard to the first Amendment proposed, or rather suggested, by the noble Earl, that by passing that Bill their Lordships would place unreservedly in the hands of the House of Commons a most formidable power; and that whereas now the action of the three branches of the Legislature was required to establish such tribunals as proposed by this Bill, they were asked to leave them to be constituted in future by the single vote of the House of Commons. This was a large concession on the part of their Lordships. The principle of our present law was, that all the movement and inquiry into the criminality of constituencies rested with the House of Commons, but that after that the legislation which might be required rested with all three branches; and this principle was now seriously invaded. But the main reason of his addressing the House was the strong objection he entertained to the noble Earl's second Amendment. It was an Amendment which altered the whole character of the measure. The preamble proceeded on a general assertion, that it was expedient to make a more adequate provision for inquiry into corrupt practices at elections. It contained no allegation against any one class of constituencies; but now, as thus amended, it would amount to a bill of indictment against a certain class of constituencies; and if they were to except counties and universities, why not great cities? To the latter, charges of corruption could not generally apply. He presumed the noble Earl would not assert that no corruption ever existed in the counties; nor would he himself say so much of great cities; but he did argue, as he thought fairly, that on the same ground on which it was proposed to except counties and universities, they might reasonably be required to except the great cities of the country; and this would be impossible. His objection, in short, to the proposed exceptions was, that they implied a charge of general corruption against the boroughs; and though he knew that the extreme Liberal party went upon the principle that all small boroughs were corrupt, and should have their franchises given over to larger constituencies, he thought their Lordships were scarcely prepared to receive and act upon this opinion as correct. The alteration, he said, would change the whole principle of the Bill, and would have a most injurious effect on the future consideration of those great questions of Parliamentary Reform yet to come before their Lordships. The right principle was to enact a general law against electoral corruption wherever it existed. In conclusion, he confessed that he was very much inclined to agree with the observation made by the noble Marquess at the very outset of his remarks—though he thought the observation a very remarkable one to come from him. The noble Marquess said that this was the most important of the measures of the late Government with reference to the representation of the people, and that it was the least open to objection. He (the Duke of Argyll) thought that this implied a very strong opinion with regard to the operation of this Act—that it should be considered by the noble Marquess the most important and the least open to objection.

The Earl of DERBY; With regard to the Amendment mainly objected to by the noble Duke, I am not proposing a bill of indictment against any class of constituencies. I am proposing to restore the Bill to the precise state in which the late Government introduced it.

Lord STANLEY of ALDERLEY said, this was no Bill imposing pains and penalties, but one that was intended simply to facilitate inquiry. It conferred no new power on the other House of Parliament; it simply enabled them to establish new machinery for inquiring into the corruption practised at elections. But when the noble Earl complained of the power the Bill gave of going back into former allegations of corruption, he would remind him how often in small boroughs there were compromises between the contesting candidates, entirely with a view of saving the constituency from the notoriety which their corruption was gaining. He should, therefore, not be at all disposed to limit either the House of Commons or the Commissioners from using their discretion as to how far back they were to go in such an inquiry. But what if they should do so? It was, after all, a mere report upon which a Bill was founded that had to go through all its stages in this House; and if their Lordships should think that it was ill-founded, or that the evidence had not been properly collected, it was still perfectly open to their Lordships to reopen the inquiry, and to summon evidence to their Lordships' bar. He did not recollect more than one petition being presented against a county for corruption, and of course he did not suppose that corruption prevailed at the Universities; but when there was a Bill for establishing machinery for the purpose of checking bribery, he did not think it at all an imputation upon either the counties or the Universities that they should be included in such a measure. As to treating, although it was not a crime in law, he thought it was a subject which the House of Commons had very properly taken cognisance of, in order to preserve the purity of election. He hoped the noble Earl would not insist upon his Amendments.

Lord REDESDALE considered the Amendments of the noble Earl well entitled to the approbation of the House. He believed every party desired to get rid of corruption, and no party more than the Conservative party; but when a Bill was introduced, conferring powers of an extraordinary nature, it was important that they should be restricted in their application. He reminded their Lordships of the extent to which party feeling not long ago prevailed. Let an allegation of corruption be made against any place, let that be reported to the other House, and then upon the address moved by an individual, and upon the vote of the majority, this Bill would be brought into operation. He thought more protection ought to be afforded the constituencies. He thought, also, it was important for their Lordships to consider how far the privileges of the House would be affected by this Bill, which empowered the other House to proceed upon an Address to the Crown without the concurrence of their Lordships. Moreover, he was of opinion that the other House ought to insert the names of the Commissioners into their Address, and not to leave it to the Minister of the day, whoever that Minister might be. It was very proper that Parliament should have cognisance of the parties who were to investigate the matter. Parliament had already given a precedent of that kind in the two Bills which had recently been introduced; and he hoped they would not in any case depart from it. But as to the question of the privileges, he thought it very desirable, when the other House was about to call into exercise powers which went quite beyond the ordinary limit of the law, that the initiative ought not to be adopted without the concurrence of both Houses.

The DUKE of NEWCASTLE said, with regard to the first Amendment, he could not so readily come to the conclusion that had been arrived at by the noble Lord who had just sat down. If the Bill were to deprive the House of Lords of any privilege it at present possessed, if it made any alteration in reference to the relative position of that House and of the House of Commons, he should concur in the Amendment; but, when they looked carefully at the Bill, they would find that no new power was conferred on the House of Commons, no means were given to that House of punishing delinquent boroughs, no power of evading any existing checks or control of the Upper House, but that it was merely affording a new mode of carrying out those investigations which it was in the power of the House of Commons now to effect by other, but more tedious and less effective means. It was necessary that an inquiry should take place before an Address was agreed to. In the St. Albans case, their Lordships did not rest satisfied with the evidence given before the Commission, but gave the parties liberty to examine witnesses at the bar of the House to rebut the evidence; and they would be at liberty to do that again in reference to any other case, even though the Bill should pass in its present shape. He thought the other Amendments of more practical importance, and one of them still more objectionable. The noble Earl proposed to omit counties and the Universities. He saw no reason for including the Universities, but he could not go so far as to omit counties, which were certainly not free from corruption, though less tainted than boroughs; and he thought it was possible to do all that was required, and in a preferable form, by omitting any enumeration at all of the various classes of constituencies to be subjected to the operation of the Bill. With regard to the Amendment, as to an inquiry into retrospective elections, he agreed that some limitation was desirable; but the Amendment proposed would not meet the case, and would go greatly beyond the professed object, frequently operating as an effectual screen to the very practices which it was sought to expose, and as an immunity to the most flagrant cases and the most notoriously corrupt constituencies. In cases where the corruption had been most systematic, they might find an occasional pure election by arrangement between the parties; and if they were stopped by that accidental and isolated case of purity from going back to previous elections, inquiry would be evaded. Then the noble Earl proposed to omit altogether the words relating to treating. He certainly thought that a Commission should not issue where there was no greater allegation than the issue of half-crown refreshment tickets. He, for one, however, would sooner run the risk, which he thought extremely small, of inquiring into cases of treating which were quite harmless, than let slip the chance of inquiring into such a flagrant case as that which took place the other day at Monmouth, and which, as regarded moral guilt, could not be considered as in any degree less worthy of punishment than bribery by means of money; and he therefore hoped the noble Earl would turn his mind to this subject, and see whether some arrangement could not be made by which that species of treating which, practically, was for the purpose of influencing voters, might be inquired into under the enactments of this measure.

LORD BROUGHAM thanked the noble Marquess (the Marquess of Lansdowne) for the course he had taken, according to a pledge he had previously given him in 1847, on the eve of the last general election, when he (Lord Brougham) moved a Resolution, pledging the House, after the meeting of the New Parliament, to investigate all cases in which corruption should have been stated to have taken place. He greatly approved of the measure, with one or two exceptions; but they could not close their eyes to the fact that by the Bill they were creating great changes in the law. By the Bill, they might, for the first time in the history of the law, compel a witness, whether he was a party or an accomplice, or whether he was neither one nor the other, but the confidential and professional agent of a party, or of one who was the party, to answer all questions that might be put to him, and to produce all documents, books, and papers, although his answers, or the production of the documents, might criminate himself; and the only protection afforded to him was, that in giving his evidence before the Commission which instituted so searching an inquiry, they might, if they pleased, give him a certificate indemnifying him from any further proceedings. By the provisions of the Bill, they denounced with serious pains and penalties him who should give false testimony before the Commission. Now, it was only from the utter abhorrence with which he regarded these awful crimes of bribery, of corruption, and of perjury, and from the painful conviction under which they all laboured, that those crimes were too generally, too habitually, perpetrated, that he, or he believed any of their Lordships, could be induced to vote for the passing of a measure creating such a tribunal as was contemplated by this Bill. It was said they were giving no new powers to the House of Commons. In one sense they were not. In the ordinary sense the House of Commons would be endowed with no new powers; but if the Bill stood as it was, the House of Commons would be armed with the power of creating a tribunal endowed with the extraordinary powers to which he had referred. Then the House of Commons were to be the judges on such questions. But there was an important check or safeguard, for there was to be a Committee of the House of Commons, which Committee was required to report to the House, so that there could be no want of due consideration of the address for inquiry. He thought, however, it might be well for their Lordships to consider whether they would not add their interposition to that of the House of Commons. He considered that if general powers were given to the Commissioners—powers of going back for the purposes of inquiry fifteen or twenty years—it would give rise to the greatest inconvenience. Yet if they could only go back for a year, no contest might have taken place that year, and still the greatest corruption and bribery might have occurred in the year before. He thought on the whole it would be much better to lay down a fixed rule, and that it would be the most convenient course to take a certain number of elections—or, better still, of years. For instance, what harm would there be in taking six or seven years, which would generally include two general elections? He saw nothing in this Bill in reference to the intimidation exercised at elections—it was limited to corruption only. He admitted there was much difficulty in getting at intimidation. Yet if a case could be made out, he did not see why that should not form a subject for inquiry. However, he would not risk the fate of the Bill by proposing any addition of this kind. The subject of treating was also one most difficult to be dealt with. Treating was the colour and the shift for bribery, and they who had undergone—he ought to say the misery, but he would only say the honour of a contested election—well knew this. He recollected that he was concerned many years ago in a contested election, where the currency was in beer tickets; and, on speaking of the enormous expense incurred for treating, that is, for bribery, under the form of treating, amounting to 50,000*l.* or 60,000*l.*, he was told it was much worse the other side of the estuary, for there the tickets were for wine; so that the difference in the expenses was the difference between the price of beer and the price of wine. There were at all those places central committees, where the beer or wine tickets could be exchanged for anything which was not either wine or beer. But why, he might be asked, should they prevent a man who came a great distance to record his vote from partaking of some trifling refreshment? but this hardship was as nothing, compared to the importance of stopping bribery and corruption; and this they could never do if they did not altogether close the door against treating. He was convinced that if the knowledge that all circumstances connected with an election could be entered into upon petition—could be made to reach candidates and their agents—it would greatly diminish the evils complained of. In every contested election where bribery took place, a petition might be brought; and where a petition was brought, a Committee might be appointed to inquire into its allegations, and before that Committee any party might be subjected to examination. Under the new law, his (Lord Brougham's) Evidence Act of last Session, the party as well as his agent might be subjected to the most searching and stringent examination—an examination conducted with all the ability and all the zeal—he would not say all the unscrupulousness, for in such a case there ought to be no scruple—but with all the searching zeal and practised skill of counsel who would inquire not only into what the party knew to have taken place, but into what he believed or suspected to have taken place. Every one knew the effect of refusing to answer, on the ground that it might criminate the party: his seat, or his chance of a seat, was gone. When these things were known to persons engaged in electioneering contests, it was his sanguine hope that the evils so much complained of would be greatly diminished. Sooner or later they must be known; and then the operation of the new law would be, he trusted, effectual.

The EARL of HARROWBY was in favour of including the counties and the Universities, because it would be invidious to draw a distinction; but that made the question of treating one of more delicacy. To pay country clergymen their expenses in going to vote at a University election was not with a view to bribery. Should not the thing prohibited be bribery by money or by entertainment—a thing done with the effect and intention of corrupting the voter? In respect of some of the provisions of the Bill—it was an evil to be making conventional offences of what public opinion did not stigmatise as offences; a law of this kind should be such as to carry with it the feeling that the offence was not merely a political, but a moral one. As to a concurrent Address, the objection of the noble Earl well deserved consideration. It would be inconvenient to have investigation after investigation, and their Lordships might not be satisfied with an investigation in which they had no share, and which was made at the instance of a Committee not upon oath, receiving evidence not upon oath. He thought their Lordships ought to insist upon their concurrence in the inquiry as a security for the liberty of the subject; for everything that gave to an investigation a grave and judicial character, was of the highest importance.

The LORD CHANCELLOR confessed that, with regard to the first point, namely, whether the Bill should extend to counties and the Universities, as well as towns, he approved of the Bill as it stood formerly. The introduction of the words "counties and Universities" was a sort of compliment to towns and cities. He did not wish to speak harshly of the latter, but many of them were notoriously corrupt, and it was on account of their corruption that the Bill was introduced. That, however, was not the case in regard to the Universities, and, in common justice, they ought to be excluded. Then, in respect to counties, though he did not deny there had been bribery, yet no one would venture to say it had been practised to such an extent in counties as to call on the House to include them in this measure. If bribery had not been extensively carried on in boroughs, it was perfectly clear the Bill would never have been introduced. He asked, then, on every principle of justice, whether counties and the Universities ought to be included, simply because a necessity had arisen to apply stringent provisions to boroughs and cities? In regard to their Lordships' privileges, he asked them to consider for a moment what they were doing? By assenting to it, they would give up their right to the first step founded on the Report of the Committee. The House of Commons was to originate the inquiry by a Committee; but when that Committee decided on an inquiry taking place, how was it to be conducted? The Bill proposed to give the Commission the most unguarded powers, which no man would apply to himself personally, and which nothing but the strongest and most urgent reasons would justify that or any other country granting to a tribunal. By assenting to this arrangement, their Lordships would give up any power they might now possess. The Bill proposed to meet all the cases that had been mentioned by one operation; and if it passed in its present shape, this House would not have the slightest power in regard to the issuing of the Commission. And then, to whom were these powers to be entrusted? The clause provided that they should be barristers of seven years' standing. He had great respect for the Bar; but there were many barristers whom he would not intrust with the inquiry: before he did so, he should like to know their antecedents, what they had been doing for the past seven years, and whether they were likely to exercise the powers to be entrusted to them properly or recklessly. It was not enough that they were even of seven years' standing at the bar—they ought to be persons of recognised ability, and in whom confidence might be placed. The Bill asked their Lordships to abrogate their powers for the time to come; and he understood the Amendment to be to maintain those powers just as they were at present. He trusted the hope expressed by the noble and learned Lord (Lord Brougham) as to the Bill deterring persons from being concerned in corrupt practices, would be fulfilled, for that was a consummation very much to be desired. He should like to know what good purpose would be effected by this crusade against all past offences. Was it desirable that they should reopen all those past transactions? He maintained that it was not, and that it was most convenient some stop and limitation should be pu upon the Commissioners, in order that they should not extend their investigations beyond a specified period. As to treating, no reasonable man would put it upon the same footing as bribery. There ought to be some provision against treating, provided that it did not strike at the root of fair and legitimate treating. He would, therefore, propose that treating should not form part of this Bill, but should be made the subject of a separate measure. If the Amendments proposed by his noble Friend were adopted, they would greatly improve the measure, and render it somewhat more satisfactory to the public.

LORD TRURO said, that the House of Commons did at present possess extensive powers in reference to bribery, but they had been found inefficient, and all parties had agreed that it was proper and necessary that those powers should be increased. The object of this Bill was no doubt to confer upon the House of Commons increased powers—powers to investigate and discover the existence of evils in reference to elections, and to apply a practical remedy. It had been suggested that this Bill would in effect take from their Lordships some of their privileges. He (Lord Truro) was not aware of anything contained in this Bill which was at all open to such an objection. The House of Commons possessed at this moment extensive means of inquiry; but these means had been found not sufficient to effect the object they all professed to desire. The House of Commons did not ask to have the power of themselves to institute such an inquiry: all they asked was that their Lordships should be parties to the creation of such a power on their part. Doubts had been expressed as to the manner in which the powers so created would be exercised. No doubt it was a matter of great importance that these powers should be so exercised as to furnish ground on which reliance could be placed, when they came to further legislative interference with the borough or city in respect to which the Commission had been issued; and he warned their Lordships against interposing any obstacle in the way of such an inquiry, lest they should suffer in public opinion. If the Commissioners misconducted themselves, what would be the result? Simply, that the House would not act upon their report. In his opinion it would not be politic to limit the period for inquiry. They did not want to know whether there was bribery at any particular election—they desired to arrive at what was the character of the borough. If proper persons were appointed Commissioners, they would be able to decide what ought to be the limit of the inquiry. If they found bribery at the last election, they would refer to the preceding, and so on. His noble Friend had referred to some former Bills brought in upon the subject. Now, all former measures had fallen short of the end proposed. No one objected to the present Bill because it would not effect the purpose for which it was designed. The objections were, first of all, that it interfered with their Lordships' privileges, and then that its powers were too extensive. The first of these objections, he thought, was untenable; and the second was an advantage rather than objection. The legislation of past times was always defective because it did not go far enough; and he trusted their Lordships would not, by impairing this Bill, render the measure open to the same reproach. He was anxious that their Lordships should manifest to the country that they were desirous of putting an end to bribery, and of keeping the representation of the country pure. They had good security that the Commissioners would take care that their inquiries did not stretch too far back, in the fact that it would be useless. They had also good security that proper persons would be appointed, in the fact that important interests were at stake, and in the fact that they would have the opportunity of questioning the propriety of their judgments. If they found that they were questionable, it was in their Lordships' power to refuse to act.

LORD CRANWORTH trusted the noble Earl (the Earl of Derby) would not press the Amendment, by which an Address to the Crown from both Houses of Parliament, instead of from one only, would be rendered necessary, because it appeared to him that to introduce such a provision into the Bill would make the whole measure a mere nullity. The House of Commons at present could, without legislation, appoint a Committee of Inquiry, and could address the Crown for a Commission, and could introduce a Bill to enable such a Commission to work efficiently, and such a Bill must necessarily come before their Lordships for their sanction; and, moreover, for the purpose of disfranchisement, a legislative enactment must pass both Houses. If, therefore, the Amendment were passed, the Bill would confer, in effect, no powers beyond those already possessed by the House of Commons. ["No, no!"] In what, then, would the difference be? There must be an Address in that House, and an Address in the Commons, and exactly the same discussion must ensue in both Houses. ["No, no!"] To say "no" was to cast a reflection upon that House; for would not their Lordships take as much pains to discuss a question of so much importance as that of depriving a borough of its ancient rights, as the House of Commons? As to the appointment of the Commissioners, he felt that there would be an infinitely better selection made if it was left to the Crown, than if the power was vested in either House of Parliament. The feeling of responsibility would influence the Crown in its selection. If they left out counties and Universities, he did not see on what principle they could include cities or boroughs. With regard to treating, he must say that in the case of the Universities, alluded to by the noble Earl on the cross benches, it seemed to him that of all places in the world exception was least required in them, because the voter from a distance could go to his college and obtain the refreshments he needed without difficulty.

On Question, *Resolved* in the *Affirmative;* House in Committee accordingly.

On Clause 1,

The EARL of DERBY said, that the reason he had given notice of the Amendment to omit the Universities and counties from the Bill, was, that they had been inserted in the Bill in its third reading by a surprise; and the noble Lord who was the author of the Bill voted in the minority against their being included. After the discussion which had taken place, however, he was satisfied that, practically, the Bill, in reference to the Universities and counties, as far as bribery was concerned, would be a dead letter; and he should therefore withdraw that Amendment. Their Lordships, however, must remember that the purport of this Bill was disfranchisement. ["No, no!"] Yes! for the House of Commons already had the power of instituting any inquiry they might think fit, and of unseating the Member; but they could only affect the seat for a time. To disfranchise the borough permanently, legislation was now necessary. The object of the Bill must, therefore, be inquiry, with a view to disfranchisement; and he would remind their Lordships that never yet had there been a proposition to disfranchise town, city, county, or University for mere treating. It was, therefore, most necessary to define the grounds of inquiry. The noble Earl then moved his other Amendment that the words "Address of the House of Commons" in the first clause should be omitted, and the words "a joint Address of both Houses of Parliament" be substituted.

LORD CAMPBELL thought that the Amendment would be detrimental to the Bill; but admitted that, at the same time, it was most necessary to watch and guard against the encroachments of the House of Commons, in which, he regretted to say, that he had of late seen a disposition practically to legislate for and govern the country alone. The conduct of the other House in reference to an Address to the Crown, touching the better regulation of the Post Office, afforded a bad precedent. Nothing could be more dangerous than that one House should attempt to legislate for the whole Empire. As to the Commissioners, there was no fear of any encroachment in respect to them, as their Report was to be presented to their Lordships' House equally with the Commons. He thought the Amendment was quite unnecessary, and extremely detrimental to the measure.

EARL GREY said, that he could not help expressing a little astonishment that their Lordships should be called upon to divide on this question. He would remind the House that this measure had been introduced into the other House of Parliament by the noble Lord lately at the head of the Government, and had been prepared by it with the greatest care; and the right hon. the Chancellor of the Exchequer had stated at a very early period after the late Government leaving office that it was one of the measures which he was anxious to carry through Parliament. The Bill was read a second time by a majority of 281 to 6. No Amendments were moved in the Bill during its progress on the part of the Government, with the exception of the insertion of words making it applicable to counties and Universities. It was under these circumstances, most unexpectedly and without notice of any kind, that the noble Earl now proposed the present Amendment. He did not believe that their Lordships' privileges required the protection afforded by the proposed Amendment. The best possible results might be anticipated from the operation of this Bill, even in cases where it was not considered necessary to agree to the disfranchisement of any place to which the inquiry had been directed. For instance, he could easily suppose that extensive bribery and corruption might be found to exist in a large county or borough constituency, such as the county of York, or the town of Liverpool. It might not be considered necessary to disfranchise either of these constituencies ; but even if it were not, still the exposure of the corrupt practices could not fail to be attended with beneficial results. The single object of this Bill was to obviate the risk that every man knew practically existed of a difference between the two Houses of Parliament, as to whether there should be an inquiry or not, and to make provision, once for all, that upon an address of the House of Commons an inquiry should take place. The noble Earl now called upon their Lordships to accept an Amendment, the adoption of which would be only an indirect, and therefore a less honest and straightforward way of throwing out the Bill. If they were to agree to this Amendment, it would be idle to go on with this Bill, for every one knew there would be no chance of the other House agreeing to it with the words suggested by the noble Earl. He thought it would be much better at once to move that the Chairman report progress and sit again next week.

The Earl of DERBY said, that the noble Earl had thrown new light on the motives of those who had introduced the Bill. He (the Earl of Derby) had previously thought that the Bill had been introduced for the purpose of putting a stop to bribery and corruption at elections, by affording the means of a very extensive inquiry into those alleged practices before a competent tribunal. But the noble Earl had just informed them that the Bill had been introduced for the single purpose of enabling the inquiry to be made by a vote of the House of Commons, without the necessity of asking the concurrence of their Lordships in the inquiry; and the noble Earl had further said, that this mode of proceeding would obviate the inconvenience of a difference of opinion between the two Houses. Why, the very same argument would apply to every other subject of legislation ; but he begged to say that this was setting their Lordships' House and authority altogether out of consideration, and giving them no weight in the constitution of the country ; for he believed that by the constitution of the country it was intended that in all matters of legislation their Lordships should have a full and equal share with the House of Commons. What the Government proposed to do by the Amendment which he had proposed, was to facilitate the operations of Parliament—not the House of Commons alone, but of both Houses—in exposing and punishing gross bribery and corruption ; and the noble Earl could not go further than he (the Earl of Derby) would in obtaining that end by a regular and constitutional mode of proceeding. But the noble Earl said that the Amendment would make an alteration with respect to the authority of that House. He (the Earl of Derby) would take the liberty of contradicting the noble Earl upon that point. The Amendment would not add to the existing power and authority of their Lordships' House, but would retain it precisely where it stood at present. While agreeing now, once for all, that a machinery should be adopted for the discovery and punishment of bribery in all future cases, their Lordships, by this Amendment, claimed for themselves—and he believed they were entitled to claim—the same power which they now had of deciding in each case whether the machinery which was intended to be applied was applicable to that particular case. It might be that this point did not strike the mind of the Members of the House of Commons so forcibly as it would strike their Lordships in the maintenance of their own privileges ; but could it be said that their Lordships were really seeking a single extension of the powers of that House when they asked that the same concurrence should be given in future in regard to the single stage of an Address, as was now given in all stages of legislation ?

Earl FITZWILLIAM was of opinion that if the Amendment were adopted, the House of Commons would have some reason to say that it was an encroachment on their privileges; but that was not precisely the ground upon which he objected to it. He objected to it principally because it appeared to him that in many cases it might place their Lordships in a position of difficulty and embarrassment, for they must institute some inquiry of their own before they could join in any Address of the Commons, as proposed by the Amendment. He was not satisfied with the manner in which the Commissioners were to be appointed. He thought it would be much better to take their appointment out of the hands of the Executive of the day, and vest it in some high legal authority.

Earl ST. GERMANS complained that no notice had been given of the Amendments which the Government intended to propose in Committee on the Bill. It was quite in the power of their Lordships, if they thought the inquiry had been improperly conducted, to reject the Bill which happened to be sent up; but the Amendment of the noble Earl, if adopted, would entirely alter the character of this Bill.

The EARL of POWIS asked what chance there was for an effective inquiry under the Bill as it then stood? Suppose the Address carried, and Commissioners appointed to make a Report to the Crown against some borough, their Lordships would be placed in the position of being obliged either to accept the Report, in the obtaining of which they had given no concurrence, and which had been made by persons in whom, perhaps, they had little confidence, or to institute an inquiry of their own, and exposing themselves to the charge of trying thereby to screen a corrupt borough. It had not always followed that evidence which had satisfied the House of Commons had succeeded in satisfying the House of Lords, as their Lordships would remember in the case of the borough of Stafford. He therefore supported the Amendment, which he did not consider as any interference with the privileges of the House of Commons.

The DUKE of NEWCASTLE thought that the argument which the noble Earl had urged in favour of the Amendment was an exceedingly strong argument against it. His noble Friend vevy truly said that there had been cases in which the House of Lords were not satisfied with the evidence which had been taken by the House of Commons, and he deduced from that circumstance the inference that they would probably dissent from the report of the Commissioners appointed under the Address by the Commons. Now, that was an argument which was directly opposed to that which the noble Earl (the Earl of Derby) asked them to do. The noble Earl asked them upon the strength of a report of a Committee of the House of Commons to join that House in an address to the Crown, which report their Lordships could have had in no proper sense before them unless they requested a copy of it by an address to the Crown.

The MARQUESS of LANSDOWNE said, that if he thought the privileges of their Lordships' House at all interfered with by the present Bill, he should have been the first to accede to the Amendment of the noble Earl. He should have acceded to the Amendment, although he had not had the opportunity of considering it before; for, until he heard the Amendment from the lips of the noble Earl himself, he was not aware that any such Amendment was intended to be proposed. But he felt satisfied that in no respect did it do so. It should be borne in mind that the whole object of the Bill was simply to provide the means for a preliminary inquiry, and to render such inquiry more efficacious. The noble Earl had said, that the necessity of the Amendment was not so likely to strike the Members of the House of Commons as it would their Lordships; and certainly it would seem that there was a great difference between the atmosphere of the two Houses—and that the difference had affected even the noble Earl's own Colleagues in the other House, for although those eminent persons were enjoying the confidence of the noble Earl, and were in weekly, daily, nay, hourly communication with him during the three weeks that the Bill was before the other House, they never discovered by the light of their own understandings, assisted though it was by the light of the understanding of the noble Earl, that there were any constitutional objections whatever to the Bill. Night after night these eminent persons had moved the Bill—they were invited to state their opinions—night after night they heard Amendments moved by other hon. Members, some of which they supported; but on behalf of the constitution, on behalf of the head of the Government, it never once occurred to them to move this Amendment.

The Committee *divided* on the Amendment:—Content 78; Not-Content 34: Majority 44.

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The LORD CHANCELLOR proposed an Amendment, in regard to the appointment of the Commissioners, that they should be named in the Address to the Crown before it left the Commons.

The MARQUESS of LANSDOWNE was understood to oppose it.

LORD CAMPBELL would have supported a proposal that the Government should name them, or rather that the Lord Chancellor should do so; but, although he had been a Member of the other House, and felt a great respect for them, the last thing he would have them to do would be the appointment of Judges. In the case of St. Albans, the appointment was made by the Chief Justice of the Queen's Bench. He should be very sorry to hold the patronage, however, for he had just now to appoint two revising barristers on the Northern Circuit, and 150 applications had been sent in to him.

The EARL of DERBY: By the Bill as it stood at present, the names of the Commissioners were to be inserted in the Bill as it passed the House of Commons. It was afterwards sent up to their Lordships' House for their concurrence. But the names would now be inserted in the Address to the Crown, and instead of being considered by their Lordships in the Bill, they would now be considered in the Address.

EARL FITZWILLIAM opposed the Amendment.

The DUKE of NEWCASTLE wished to know what would be the exact course and purport of the joint Address? If there were two separate independent Addresses, the House of Commons Address might contain the names of individuals selected by that House, and the other might contain separate and distinct names. The noble and learned Lord (the Lord Chancellor) perhaps meant to have recourse to a conference between the two Houses; but he (the Duke of Newcastle) apprehended there would not be an opportunity for a conference between the two Houses, so as to arrange the matter of the names to be inserted in the Address.

The LORD CHANCELLOR said, that the object of the Amendment was to secure the nomination of competent persons upon the commission; and the names would be selected with great care, diligence, and inquiry, under the spur of the knowledge that they would be submitted to the approval of the Crown and the House of Lords.

Amendment *agreed to.*

On Clause 6, giving the Commissioners power to inquire whether there had been corrupt practices at elections "for such a period retrospectively as they should think proper," and "whether any corrupt practice by way of treating has been carried on at any such election,"

The EARL of DERBY proposed to strike out the words "for such a period retrospectively as they should think proper," and to introduce words providing that if the Commissioners found that there had been corrupt practices at the election which was the subject of the report of the Committee, they might inquire into the next previous election, and so on in like manner from election to election, as far back as they should think fit, until they reached an election where, upon inquiry, they found no corrupt practices to exist, and then they should not inquire further back. It had been suggested that this limit should have reference either to a certain number of years, or a certain number of elections; but neither of those limitations were satisfactory. There might be, as in the case of Harwich, five elections within a very brief space, and then, if the limit was that of a certain number of elections, it might not extend over six months. On the other hand, there might be a place which had had no election for seven years, and then, unless the period extended over many years, the inquiry would be limited to one election. It appeared, therefore, to the Government that the only method of really carrying out the objects of the Bill would be by first examining into the election which the Committee of the House of Commons had decided as being tainted with corrupt practices, and then to go back until they came to a pure election, at which point it was proposed by the Amendment to stay the inquiry. The noble Earl also proposed to strike out the words relating to treating. Cases of treating could still be investigated by Committees of the House of Commons; but it had not been made cause of disfranchisement, and the powers of the Commissioners should be reserved for the gravest offences. It was exceedingly difficult to deal with treating, and impossible legally to define it, and it would be better not to place it on a footing with that which was a statutable offence.

The Marquess of LANSDOWNE and Earl FITZWILLIAM were understood to object to this mode of limitation.

After a few observations from the Earl of HARROWBY and Lord STANLEY of ALDERLEY,

Amendment *agreed to.*

On the Amendment respecting treating being moved,

The MARQUESS of LANSDOWNE observed that systematic corruption had been effected by treating, and if all other means of bribing were cut off by an Act of Parliament, treating would be still more resorted to for the same purpose.

The EARL of DERBY said, the fact of Parliamentary Committees having disagreed as to what amount of refreshment constituted bribery, showed how difficult it was to deal with such an undefinable offence.

EARL GREY admitted it was perfectly true there was a great difference of opinion on the question of treating. He thought it would be very hard to deprive a Member of his seat because he gave some trifling refreshment to the electors; but the practice was blameable, inasmuch as it was capable of considerable extension. There was one form of corruption which had not been mentioned in the course of the discussion. It was a very common practice, in small boroughs, to buy up the public-houses; and he recollected when he was canvassing for a seat in Parliament, he was told by a publican he would not vote for him unless some money was spent at his house. In some instances the publicans got up a contest themselves, in the hope of personal gain. In conclusion, he thought no reason had been shown for excluding the Commissioners from exercising their discretion whether treating was or was not one of the forms of corruption practised.

Their Lordships then divided: Content 68; Not-Content 35; Majority 33.

Other Amendments made. Report to be received on *Friday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 14, 1852.

MINUTES.] NEW MEMBER SWORN.—For Huntingdon County, Viscount Mandeville.

PUBLIC BILLS.—2° Public Health Act (1848) Amendment; Representative Peers for Scotland Act Amendment.

3° County Courts Further Extension.

NEW RIVER COMPANY BILL.

Order for Third Reading read.

MR. CHRISTOPHER said, that so far as the rights of the Duchy of Lancaster were concerned, he had no objection to the third reading of the Bill. He understood, however, that another department of the Goverment were opposed to its further progress.

COLONEL DUNNE said, that on the part of the Board of Ordnance, he regretted to be obliged to oppose the Bill on public grounds. The New River Company proposed to insert clauses in the Bill which would materially injure the powder mills at Watford, on which the public had expended upwards of 250,000*l.* The Company, in his opinion, had no right whatever to take a greater supply of water from the river Lea than they now took, and this alone was an argument against passing the Bill. If the Company consented to introduce clauses which would protect the Government works, he would withdraw his opposition; but, inasmuch as the Company were at this moment infringing the law, by taking more water than they were entitled to, they had no right to come to that House for increased powers. The proposition in the present Bill was to take water from the river Lea, above the mills, when they might just as well take it from a part of the river below the mills, because the water could not be in any way injured by being made use of in the mills. The Standing Order Committee had, however, raised an objection to the clause he proposed to introduce, and he was, therefore, compelled to oppose the further progress of the Bill.

MR. WILSON PATTEN said, he must defend the Standing Orders Committee for refusing to insert the clauses proposed by the hon. and gallant Member on the part of the Board of Ordnance. He quite admitted the right of the hon. and gallant

Member to take the course he had adopted; but the question whether the Company had violated the Act of Parliament was still under consideration in the Courts of Law, and he thought, therefore, that House was not in a condition to come to a decision on the matter before it. The Committee were of opinion that the 68th Clause reserved those Crown rights for which the hon. and gallant Member contended. The Committee of Standing Orders had no feeling in the matter; they were quite independent on the subject, and had come to an unfettered decision on the question.

COLONEL DUNNE said, he would not, after what he had heard, give any further opposition to the measure, but he would move the insertion of the clause of which he had given notice.

Motion made, and Question proposed, "That the said Clause be now brought up."

MR. BARROW said, he considered that the Clause submitted to the Committee by the hon. and gallant Clerk of the Board of Ordnance was, in effect, a prejudgment of the question, and though he (Mr. Barrow) was desirous of maintaining to the full the rights of the Crown, he could not consent to adopt such a suggestion.

MR. HENLEY said, when the second reading of the Bill was agreed to the other night, he was not in possession of the exact position of the Bill. He was of opinion, under all circumstances, that his hon. and gallant Friend (Colonel Dunne) had much better allow the question to be decided by a Committee of the House of Lords. He should, therefore, advise his hon. and gallant Friend to withdraw the clause.

LORD SEYMOUR said, he thought it would be better to leave the law as it was, to be decided by a competent tribunal, than to interfere by the introduction of new clauses. But a far more important question than the abstract rights of the New River Company was the supply of water to the metropolis; and he was compelled to notice a passage in the letter from the Board of Ordnance, accompanying these clauses, because the same opinion which it expressed had been repeated to-day by the hon. and gallant Gentleman the Clerk of the Ordnance. The passage was, that as the whole of the water for the supply of the metropolis must be filtered, the water might as well be taken from the stream below the Government works, and that it would be as pure as if taken from above those works. If the whole impurity and refuse of dye and other works in the lower part of the stream was thought to make no difference in the water pumped up for the beverage of the people of the metropolis, there was an end of the question how to obtain a supply of good water. He regretted the Board of Ordnance should have sent a letter to the Committee containing such an opinion, and he hoped when the subject was again under consideration, they would not take that view of it. He was sure the noble Lord at the head of the Board of Ordnance would not lend himself to any opposition on the part of the River Lea, or any individual whose interests might be affected by this Bill, but would look at this Bill strictly as it regarded the supply of water and the interests of the Ordnance establishment.

MR. COWPER said, he did not think the 68th Clause would meet the point, because, although no greater quantity of water was to be taken than was before authorised, it would be taken with greater rapidity than at present. It might be desirable the Company should have the water, but they ought not to rob the mills of it, without paying proper compensation. He supported the clauses because they would do justice to all parties, and inflict no injury upon the New River Company.

COLONEL DUNNE said, he had no object but to promote the public good and to preserve the rights of the Crown. He would therefore withdraw the clause.

Motion, by leave, *withdrawn.*

MR. MOWATT thought the Bill was a very artfully drawn-up Bill, and would do much injury to the interests of the metropolis. But as several other Bills of a similar character had been allowed to pass, he did not see why this Bill should be the only exception. He should reserve what he had to say on the general question to another time.

Bill read 3°, and *passed.*

RAMSGATE ROYAL HARBOUR BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be read the Third Time."

MR. HUDSON said, he should move as an Amendment, that the Bill be considered that day three months. The shipping interest of the north of England complained with great justice of the toll which was now levied upon their vessels, and he would appeal to the right hon. Gentleman the President of the Board of Trade to say whether it was fair, or even honest, to tax this body of men for purposes from which they derived no advantage whatever. 2,000,000*l.* had already been paid by the shipowners of the north of England towards the improvement of this harbour. He called, therefore, on Her Majesty's Government for assistance in throwing out this Bill, which would only relieve the steamers of the metropolis, at the expense of coasting vessels; and he hoped that the Bill would be rejected by such a majority as would induce the Commissioners of Ramsgate Harbour to come next year before Parliament with a better measure.

MR. PLOWDEN said, he had great pleasure in seconding the Motion of the hon. Member for Sunderland, and in doing so he considered that it was unnecessary for him to add anything to the arguments which the hon. Gentleman had adduced against the third reading of this Bill. He would, however, just observe that he entertained strong reasons for opposing this measure. One was, that the harbour of Ramsgate was said to be of little use as a harbour of refuge, except to vessels of small tonnage. A second reason was, that the tax levied on passing the harbour, operated in an unjust and oppressive manner upon the coal trade; and a third reason was, that the tolls thus raised were, he (Mr. Plowden) had been given to understand, not altogether appropriated to the improvement and repair of the harbour, but also to the improvement of the town of Ramsgate, which he considered an unjust and improper appropriation. On these grounds he felt great pleasure in seconding the Motion of the hon. Gentleman.

Amendment proposed, at the end of the Question to add the words "upon this day three months."

MR. HENLEY said, that the subject of Ramsgate Harbour had been a good deal under the consideration of the Government. The present Bill was not altogether satisfactory, but as far as it went it took off tolls. The power of the Ramsgate Harbour trustees was limited to the levying of tolls in a certain manner, and in the present measure it was proposed to give them the power of taking off some of these tolls. Some parties objected to that. The opinion of the Government was, that the question ought to be more extensively dealt with; but under the circumstances of the late period of the Session, the Government declined taking any part on the Bill one way or the other.

SIR GEORGE PECHELL said, he regretted to hear the opinion which the right hon. Gentleman had just expressed, as the late Government had declared manfully that these tolls should be abolished. These dues were a plunder of the shipowners of the country, and he hoped the hon. Member for Sunderland would be successful in his Motion.

MR. HENLEY said, he had never stated the Government were satisfied with this Bill. What he had said was, that it was not possible for the Government to deal with the subject this Session in the way they thought desirable, as there was not time to give the Parliamentary notices.

MR. FREWEN said, he had given notice of an Amendment on the third read- for the abolition of the tolls except on vessels entering Ramsgate Harbour. Two years ago a Committee had reported that the harbour could be kept in repair without the passing dues, and that they should cease.

SIR FRANCIS BARING said, a Committee of the House had reported on this subject; but, as every one knew it was not difficult to get recommendations upon such questions on both sides, he sent down Mr. Walker, the engineer of the Admiralty, to report on the subject, and he reported that it was impossible to get rid of the passing tolls and maintain the harbour. Under these circumstances, he (Sir F. Baring) advised certain alterations to be adopted by the commissioners and trustees of the harbour, with a view to obviate certain complaints that were considered to be well founded. But it was stated that those grievances could not be removed without an Act of Parliament; and this Bill was for the purpose of enabling the commissioners and trustees to carry those alterations and improvements into effect. He was undoubtedly of opinion that it was better the harbour should be managed by the parties themselves, than that the management should be thrown on the Admiralty or the Government; for if the passing tolls were abolished, the harbour would have to be maintained out of the public revenue.

MR. HUME said, he regretted to hear the opinion of the right hon. Gentleman opposite (Mr. Henley), and still more so the opinion of the right hon. Gentleman who had just sat down. It surprised him to find that the right hon. Gentleman had lived so long and learned so little, and that he did not seem to know the general opinion which existed against these passing tolls. With respect to Ramsgate Harbour, the whole business from the first had been the job of a City alderman, the late Sir William Curtis, in order that his yacht might be able to enter the harbour. Upwards of 2,000,000*l.* had been spent on the work. The present Bill proposed to give the trustees power to alter or reduce the dues as they should think fit. Every Member who supported the principle of the Bill would support in so doing the principle of passing tolls. He hoped the House would reject it.

Mr. MASTERMAN said, he was sorry to find the opposition which this measure had met with from the hon. Member for Sunderland (Mr. Hudson). It had not been brought forward without much consideration on the part of the trustees, who were anxious to relieve any inequality that might exist in the levying of the toll. It was a mistake to suppose, as some had done, that the harbour was of no use as a place of refuge. This year upwards of 300 vessels had taken refuge in it from stress of weather. He hoped the House would agree to the further progress of the measure.

Mr. BENNETT DENISON said, he was opposed to the Bill, because the parties to be taxed under it had had no opportunity of being heard before the Committee against it. The shipping and colliery interests had a large stake in the country, and their representation of the grievance they would sustain under this Bill, deserved the serious consideration of the House. The Bill ought certainly to be rejected, especially as the Government had promised to consider the subject with a view to legislation in the ensuing Session.

Mr. GROGAN said, he should vote against the Bill on account of the injury it would inflict on the shipping interests of Ireland.

Mr. HEADLAM said, as the representative of one of the largest seaports, the shipping of which was most affected by the Bill, he should offer his strongest opposition to the third reading.

Mr. STAFFORD said, he felt it to be his duty to say a few words with reference to this Bill. Following up the investigations of the right hon. Gentleman lately at the head of the Admiralty (Sir F. Baring) the present Government had come to the conclusion that it was indispensable to make some new arrangements respecting it. Hon. Members who opposed the third reading of this Bill, had made no attempt whatever to controvert the position laid down by the right hon. Gentleman (Sir F. Baring), that it was, *pro tanto*, a relief to the shipping interests. ["No, no!"] It might be denied, but it had not been controverted. The difference between himself and the right hon. Baronet the late First Lord of the Admiralty on this subject was, that he (Mr. Stafford) did not consider the maintenance of the passing toll to be so necessary as the right hon. Baronet considered it to be. At the same time, whatever might be the fate of the present measure, the Government would not feel themselves precluded against legislating upon the question in a future Session. At the same time, he could hold out no encouragement to those who promoted this Bill that the Bill which the Government would introduce would in any way meet with their sympathy. The time had come when some bold, decisive, and final measure ought to be taken with reference to the question of passing tolls. Whilst he should not record his vote against the Bill, he should leave the House to decide as it pleased, pledging, at the same time, the Government, definitely and distinctly, that a Bill should be brought forward in the ensuing Session for grappling in the best manner possible with this somewhat difficult question.

Sir BROOK BRYDGES said, that the harbour of Ramsgate was of great advantage and convenience to the coal shipping trade, inasmuch as in severe weather as many as three hundred sail frequently found refuge within it.

Mr. H. CURRIE said, he should support the Bill; and he begged to state to the House that the proposed reduction of dues from shipping that passed the harbour of Ramsgate, if the Bill were agreed to, would amount on steam vessels to 1,170*l.*; on colliers to 1,720*l.*; on vessels in ballast to 1,400*l.*; and on the Channel Islands trade to 500*l.*; making a total reduction of 4,790*l.*

Sir CHARLES BURRELL said, that after the statement of the hon. Gentleman the Secretary of the Admiralty, that the Government would be prepared to bring in a Bill on the subject next Session, the House ought not, in his opinion, to press the present measure.

Mr. DUNCAN said, he must express a hope that in the Bill to be brought forward by the Government next Session, the passing tolls would be altogether done away with.

Question put, "That those words be there added."

The House *divided*:—Ayes 130; Noes 28: Majority 102.

Words *added*; Main Question, as amended, put, and *agreed to*; Bill *put off* for three months.

MILITARY INTERFERENCE IN THE ELECTION AT ENNISKILLEN.

On the Order for going into Committee of Supply being read,

MR. SHARMAN CRAWFORD said, he would beg to ask the right hon. the Secretary at War whether any inquiry had been made, or would be instituted, regarding the alleged proceedings of General Thomas at Enniskillen, on the 19th of May last, for the purpose of exercising an undue influence over Sergeant M'Kinley, a pensioner residing in the said town, with reference to the disposal of his vote at the next general election? On a former occasion, when he mentioned this case, the Government informed him they would institute an inquiry—he hoped they had done so. Since then he had been furnished with a document containing the statement of Sergeant M'Kinley himself, which, with the permission of the House, he would read:—

"STATEMENT OF SERGEANT M'KINLEY, LATE OF THE 27TH FOOT, AT PRESENT ON A PENSION OF 2*s.* 0½*d.* PER DAY.

"That on the 19th of May, 1852, having received directions from Major Beaufoy, staff officer of pensioners at Enniskillen, to collect the pensioners of the 27th Regiment of Foot in the barrack-square of Enniskillen, as General Thomas was to be in Enniskillen on his round of inspection and would be glad to see them, Sergeant M'Kinley accordingly collected twelve pensioners of that regiment, and accompanied them to the barrack-square, when he received directions in the square to bring them into Major Beaufoy's office, which is situate in the barracks. He did so; he saw the General in the office, who was accompanied by Colonel Cole, Captain Corry, Adjutant to the Fermanagh Militia, several officers of the 91st Regiment, and Major Beaufoy, Staff Officer. General Thomas said he was glad to see them, and inquired where they had served. After they had informed him, he (the General) handed two sovereigns to Sergeant M'Kinley, and desired the pensioners to drink his health, and then said that if any of them had votes he would like them to give them to his friend Mr. Whiteside at the ensuing election, in preference to a common attorney. Major Beaufoy then replied that none of the pensioners present had a vote except Sergeant M'Kinley. General Thomas then asked Sergeant M'Kinley to give his vote to Mr. Whiteside, when he (M'Kinley) stated he had voted for Mr. M'Cullum at the last election, and, from the treatment he had received for doing so, having had his family ill-treated by a party who broke into his house, he did not intend to change his mind. The General then said, would he not give it to Mr. Whiteside at the ensuing election, and let bygones be bygones? To this he (M'Kinley) made no reply, when Major Beaufoy directed him to give the General an answer. M'Kinley then said he was sorry he could not give a satisfactory one, immediately after which the General, accompanied by others, left the office. Some time after M'Kinley and the other pensioners left the office, and went into the barrack-square, where General Thomas was with some other officers. The General, on seeing the pensioners, turned round and came in the direction of M'Kinley, and shook his clinched fist in a most violent manner at M'Kinley, and said he (M'Kinley) was a disgrace to the name of Enniskillen, and unworthy to be classed with the name of an Enniskillener. The foregoing is a correct statement. "T. M'KINLEY.

"May 26, 1852.

"Present at the foregoing statement,
"JAMES HAMILTON."

He (Mr. S. Crawford) had no hostility against General Thomas, but, having had that document forwarded to him, he felt it his duty to lay it before the House, and he hoped the Government would now inquire into the facts of the case.

MR. BERESFORD begged leave to inform the hon. Member and the House that immediately after the first conversation upon this subject, which took place preceding the Whitsuntide holydays, he felt it his duty to make the inquiry which the hon. Gentleman now called upon the Government to institute. The hon. Gentleman had now renewed the accusation against Major-General Thomas, and had brought forward a memorial signed by a pensioner named M'Kinley, which memorial reiterated certain accusations against Major-General Thomas, but which accusations he (Mr. Beresford) had long known to be unfounded, and which, by documents he should now proceed to show, were so. Not only had he himself made inquiry into the matter, but Sir Edward Blakeney, the commander of the troops in Ireland, had also made inquiry, and he had now before him the whole of the correspondence. And when he (Mr. Beresford) should have read that correspondence (which he was about to do) he trusted, if it should appear from it that the Lieutenant General commanding the forces in Ireland was satisfied of the falsehood of the accusations brought against Major-General Thomas, that that gallant officer would be considered to have come out of the inquiry in a perfectly honourable manner. The correspondence commenced by a letter from the assistant military secretary to the lieutenant-general commanding-in-chief in Ireland, and was in these terms:—

"Free Hospital, Dublin, May 24.

"The enclosed copy of the *Freeman's Journal* newspaper of this day's date is transmitted to Major-General Thomas, commanding the Belfast district, with reference to the paragraph marked with red ink, and headed 'Military Intimidation,' and with a request that the lieutenant-general commanding may be informed if there is any truth in the statement. By order,

"CHARLES FORESTER,
"Assistant-Military Secretary."

To this letter Major-General Thomas returned the following answer:—

"Belfast, May 25.

"Sir—I have but this moment returned from my inspection of the troops at Londonderry and previous stations, and hasten to acquaint you, for the information of the lieutenant-general commanding, with the circumstances that really did occur upon the occasion referred to in the paragraph of the *Freeman's Journal*, herewith returned. The morning after my arrival at Enniskillen I was welcomed by several men, pensioners from the 27th, or Enniskillen Regiment, in which I had served some six-and-twenty years, principally in Gibraltar, Malta, Naples, Sicily, Portugal, Spain, France, and America. I told them I had not time then to speak with them, but should be happy to do so after the inspection. After it had terminated I was informed they still were waiting to see me, and that, as it was raining, they were in the Pensioners' Office, where I immediately joined them. After conversing with each man individually upon many a heartstirring occurrence of past service, several having been in my own (the light) company, and receiving from them many assurances of respectful attachment (which, I do believe, were sincere), I said 'If any of you are voters for this town, you may soon have on opportunity of proving the sincerity of your professions by supporting the Queen's Solicitor General, Mr. Whiteside, who is my particular friend.' A pensioner named Sergeant M'Kinley expressed his great regret that he had not been able to support the friend of the Cole family at the last election, a family he had always looked up to with respectful regard, but that he had got bad treatment at the election, and suffered much from intimidation. I said I should not have expected to hear an old Enniskillener admit that any mob could intimidate him. He explained that it was his own family he meant, from whom he experienced ill-treatment and much trouble. I subsequently learned that the allusion was to his own wife (a Roman Catholic, and who had brought up their son one), and that they had coerced him, in consideration, also, of the opposing candidate having established the latter in a shop. Colonel Cole and Major Beaufoy, who had been my subaltern for some years, were present, and never said a word while I was in the office. It is also wholly untrue that I attempted to intimidate any man, nor had I the power, as must be well known; neither did the man make any promise to vote for the Cole nominee at the next election. In conclusion, I may feel confident the lieutenant-general must have too many similar calls upon himself not to understand that the small gratuity to these men, under the circumstances stated, was fully expected, and certainly most freely given by me, and not in this instance alone, since I came among the pensioners of the Enniskillen Regiment in all parts of the north. I have, &c.

"HENRY THOMAS, Major-General."

In reply to that letter Sir Edward Blakeney directed the following answer to be sent:—

"Royal Hospital, Dublin, May 26.

"My dear Sir—I am directed by Sir Edward Blakeney to write and say that he regrets very much any allusion whatever to the forthcoming elections should have been made by you on your meeting with your old comrades at Enniskillen, as it gives a foundation for any exaggerated statements to be published by those who are continually watching for such opportunities.

"Sir Edward desires me to add, that you cannot be too cautious on this point, and he is quite satisfied you will be so for the future.

"Believe me, yours very faithfully,
"CHARLES FORESTER.

"Major-General Thomas, C.B.,
&c., Belfast."

Perhaps it might not be improper for him (Mr. Beresford) here to state that, although Major-General Thomas might not have been guilty of that of which he was accused, yet in his opinion there was an imprudence on the part of a general officer himself coming fresh off duty and in his military garb, at such a time to have said to those men, though not as soldiers, for they were not on duty, but had assembled there to congratulate their old commander; yet it was an imprudent opportunity for him to take to speak to them on an election subject. But that Major-General Thomas on that occasion used any intimidation or exercised any power over those men on the subject of their votes, he (Mr. Beresford) most distinctly and decidedly believed every circumstance clearly negatived. With regard to the man M'Kinley, he was not even an enrolled pensioner. He was an old man of sixty-eight years of age, and was admitted on the pension-list on the 13th of May, 1835. He was not called out, and therefore he was, neither on that day nor on any other day, under the command of Major-General Thomas, and could not, consequently, be liable to any intimidation from him. He wished, however, distinctly to state that, on the occasion in question, there were only thirteen men present, every one of them old soldiers, who had served in Major-General Thomas's own regiment, and who had assembled together to show their respect to their old commander, under whom they had served for twenty years. At the present moment there were in the district of

Enniskillen 607 pensioners, and in the town itself three companies of pensioners, amounting to 214. Now, if Major-General Thomas had desired to call together all the pensioners for the purpose of asking them to vote for the Government candidate, how was it that he mustered only thirteen men; and those men only who had served in his own regiment for twenty years? Besides, it was a fact that that regiment was an Enniskillen regiment, and therefore there were more men belonging to it in Enniskillen and in the immediate neighbourhood than to the other regiments stationed there. He (Mr. Beresford) now came to the statement of this Sergeant M'Kinley, a copy of which, by the courtesy of the hon. Member for Rochdale (Mr. S. Crawford), he had before him, and respecting which he had made some inquiries. That memorial had not been written by M'Kinley, who signed it; and the signature did not seem written by a person who was sober. What was more suspicious about the memorial was, that it was in the same handwriting with that of the witness Hamilton. Going, then, to the truth of the memorial, the House would find, first, that what Sergeant M'Kinley wanted to draw attention to was, that Major-General Thomas, in his round of inspection, had something to say to him. He also stated that Major-General Thomas told him to go into the Pensioners' office. The fact was that it rained hard at the time, and the pensioners went into that office for shelter. He also stated that there were officers of the 91st Regiment in that office. Letters from two of those officers (who were on the ground) showed that there was not a single officer of the 91st Regiment present. M'Kinley said, Major-General Thomas requested him to vote for Mr. Whiteside, and not for a common attorney. Major-General Thomas denied that he ever used the words "common attorney." The whole gist of the accusation, however, was, that Major-General Thomas, coming into the yard, shook his fist in a most violent manner, and said M'Kinley was a disgrace to the regiment. [The right hon. Gentleman then proceeded to read several letters from officers who were present on the occasion, who all denied M'Kinley's assertions.] He (Mr. Beresford) thought these documents would convince every man who gave credence to the word of an officer and a gentleman, that the accusations were not proved to be well founded, and that Major-General Thomas never did or thought of doing such an action as had been imputed to him.

SUPPLY.

House in Committee of Supply; Mr. Bernal in the Chair.

(1.) 12,000*l*. Hong Kong.

MR. HUME said, he had formerly objected to the amount of the vote for Hong Kong. He thought there were ample materials with which to enter on a reconsideration of the expenditure there. The judicial establishment was quite disproportionate to the population, which was only 18,000 persons of all classes, not so much as the population of a small borough or town, and capable of being managed by a corporation or individual magistrate. He was not about to throw difficulties in the way, but he urged the Government during the recess to examine the information with which they would be supplied. Sir George Bonham, the Governor, was at present at home, and would be able to lay before them the real state of the Colony. It was a question for consideration how far it might be expedient to make the commanding officer of the troops also the Governor. If the Colony had succeeded, and the population had risen to 80,000 or 100,000—if Hong Kong had become the depôt for the trade with China, there would have been no necessity for making such observations; but as he understood there was no hope or chance of Hong Kong ever becoming the large depôt which had been anticipated, he wished merely to press on the Government the propriety of reconsidering the Estimate.

SIR JOHN PAKINGTON said, the very fair way in which the hon. Member had referred to this Estimate, rendered any lengthened reply unnecessary. So far as the request that the Government would another year take into consideration this Estimate, he had no doubt they would not for a moment hesitate to comply with the hon. Member's wishes. He confessed that when he looked over the Estimate, he had been struck by its large amount. He had been particularly struck by the large amount of the salary given to the Governor; but he found an explanation in the circumstance that the duties of several officers were combined. When the hon. Gentleman complained of the expense of the Colony—and he (Sir J. Pakington) was not prepared to deny that this Colony was expensive—it was only just that the House should be aware of the great diminution which had taken place. In 1845 the Vote was not less than 49,000*l.*, whereas now it was reduced to 12,000*l.*; and he certainly hoped the Government would be able to effect a further reduction. On the other hand, the hon. Gentleman in what he said respecting the trade of Hong Kong, rather underrated the importance of that position. The number of ships of all nations arriving at Hong Kong had gradually increased from 381, with a tonnage of 136,000, to 883, with a tonnage of 229,000, in 1850.

LORD DUDLEY STUART said, he wished to call the attention of the Committee to the services of a very old and faithful officer of the Government, now employed at Hong Kong, Mr. Alexander Johnson. Mr. Johnson went out as secretary to Lord Napier, and was appointed one of the Commissioners for superintending trade, with a salary of 2,000*l.* a year. Subsequently that Commission was very properly reduced to a Superintendent and Deputy Superintendent; and Mr. Johnson's salary was reduced to 1,500*l.* a year. Hong Kong was ceded to us in 1841, and the establishment of the Colony having been entrusted to Mr. Johnson, he acquitted himself in such a manner as to obtain the approbation of every one acquainted with the subject. So effectually was the Colony formed, that it had continued the same from that time, and with a little management might be made to pay its expenses. Mr. Johnson, during this period, spent a considerable portion of his own resources; and unfortunately the climate of Hong Kong affected his health, so that now, after seventeen years' service in China, he found himself with a salary considerably less than he enjoyed fourteen years ago, although the responsibility was thrown upon him of senior member of the Executive and Legislative Council. Mr. Johnson was a man of patriotic feeling, and did not ask for any increased advantages; but he thought it proper to call the attention of the right hon. Gentleman the Colonial Secretary to the position in which he stood. He (Lord D. Stuart) was more inclined to do so, because Mr. Johnson belonged to a family which had long been conspicuous in the public service, and remarkable for disinterestedness. The late Sir Alexander Johnson, the father of this gentleman, when Chief Justice of Ceylon, surrendered 1,000*l.* a year for four years, to the exigencies of the State, without any necessity; and he held the office of Judge of Appeal before the Privy Council from 1831 to 1848, and discharged the duties, and although entitled to receive 400*l.* per annum, he declined ever drawing a penny for it. That was a species of disinterestedness very rare, and when such circumstances occurred, it ought to be made known to that House. Mr. Patrick Johnson, this gentleman's brother, was employed by the Foreign Office to go to Portugal and Spain to settle the claims of Don Pacifico, which he did to the entire satisfaction of the Foreign Office, without any remuneration for his services, being only repaid his travelling expenses. He trusted, under these circumstances, the Government would give that consideration to the case of Mr. Alexander Johnson which it deserved.

SIR GEORGE STAUNTON said, he fully concurred with the noble Lord in his opinion of the value of Mr. Alexander Johnson's services. With respect to what had been said by the hon. Member for Montrose (Mr. Hume), he begged to remark that Hong Kong was not ceded with reference to trade. It was of importance to have a place where British subjects might take refuge in the event of a breach of the treaty with China, and where measures could be organised for the defence of British interests. There was at this present time a rebellion raging not far from Canton, which had increased to a degree far beyond what had been anticipated; and it was not improbable that the insurgents might even take possession of that city. Under these circumstances, it was obvious that measures must be taken for the defence of British subjects.

MR. F. SCOTT begged to express his satisfaction at the prospect which seemed to be held out by the right hon. Secretary for the Colonies that so large an establishment would not be kept up as hitherto for the Colony of Hong Kong.

Vote *agreed to.*

(2.) 4,000*l.* Labuan.

MR. WILSON PATTEN said, he wished to take that opportunity of bringing onder the consideration of the Government the subject to which he had given notice that he intended to call attention, namely, the dispute which had been carried on now for some years, and which was still pending, between the Eastern Archipelago Company and Sir James Brooke, Governor of Labuan. He wished to call the attention of the Government to that dispute, because it had been carried on in such a manner as not only to cause detriment to the interest of the Company, at whose instance he (Mr. W. Patten) had more immediately brought forward the subject, and also of Sir James Brooke, but, what was of even more importance, to inflict very serious interest on all British interests in those seas. He believed that, if the dispute were continued, our interests in that part of the world would be seriously compromised. He had no feeling against Sir James Brooke, and was not bringing forward what he had to state as a charge. His object was less to enter on the dispute now going on, while he abstained as much as possible from making it matter of crimination, than to state the circumstances, with the view of impressing on the Government how desirable it was that they should take cognisance of the whole subject. It appeared from the correspondence on the table of the House, that about the year 1847 a grant was obtained from the Sultan of Borneo by Sir James Brooke for the working of certain coal districts, and giving an exclusive power of working those districts. The agreement was very brief, and was contained in a memorandum, of which the exact terms were as follows:—

> August 23, 1847.
>
> "This memorandum, or agreement, is accorded by Sultan Omar Allie Safeidin, son of Sultan Mahomed Jarmarlal Allum deceased, of Borneo, by which the whole of the coal found in the country extending from Mengkabong as far as Tanjong Barram, is granted to James Brooke, Esq., the Rajah of Sarawak, the coal to be considered at the entire disposal of Mr. Brooke or his assigns, without any interference whatever on the part of the Sultan; but on the distinct understanding that the Sultan is to receive 2,000 dollars for the first year the mines are opened and worked, and ever after the annual sum of 1,000 dollars."

On Sir James Brooke obtaining this power from the Sultan, and taking a very just view of the case, he said that he had received it not in his private, but in his public capacity, that he was not the person to carry it out, and that he should therefore hand it over to some other persons. He consequently passed over his rights obtained from the Sultan of Borneo to Mr. Wise, with the view of forming a Company under the title of the Eastern Archipelago Company. That Company proceeded to obtain a Charter. The usual Charter was granted, giving exclusive and very extensive powers for working mines, buying land, &c. In the meantime Sir James Brooke obtained other rights as an individual from the Sultan of Borneo in the neighbourhood of the land conveyed to the Company; and the Company's view of that transaction was, that from that period Sir James Brooke's views were materially altered with respect to them. From that moment commenced a certain number of observations in his correspondence, not only with the Home Government, but on the spot, which threw every impediment in their way, and prevented them from carrying out their proceedings as a Company. Very soon after a Charter had been obtained, Sir James Brooke took a different view from the Company of the extent of their privileges, and of their rights from the Sultan of Borneo. Though it certainly appeared to him (Mr. W. Patten) that the whole power of working coal was given, he should not go into the question whether Sir James Brooke was right or wrong. But the view taken up by Sir James Brooke was taken up in his altered circumstances, and not when the grant was originally given. That question not being satisfactorily decided by the Colonial Office, another objection was very soon after taken to the proceedings of the Company by Sir James Brooke. He said, looking to the transactions of the Company, they were not fulfilling in the way they ought the duties imposed by their Charter; the Charter, he said, was given for public objects. Sir James Brooke brought a number of accusations, into which he (Mr. W. Patten) would not go; but it appeared that Sir James Brookes's representations at the Colonial Office did not carry the weight he expected, and it was not surprising to find a letter, in a return from the Colonial Office, stating that Sir James Brooke originally took the same view as the Company, namely, that a certain allowance must be made for the position in which they were placed. Sir James Brooke, writing to Mr. Wise on June 2, 1848, said—

> "All I urge upon you is, not to hurry forward and fancy that great results must follow the outlay of large capital; it requires patient consideration and great attention to details."

Sir James Brooke must be perfectly cognisant that the Company which was only formed in 1847, could not carry out its object with that speed which might have been desirable. Great commercial embarrassments then existed in this country, and the greatest undertakings were crippled and stopped. It was, therefore, not very surprising that a Company established in the remote region of Labuan should be stopped. Throughout the correspondence, he (Mr. W. Patten) found that the Government had refused to attend to the suggestions of Sir James Brooke, that the Company were not carrying out their Charter. Another charge was then brought against the Company, that they had introduced the truck system into the Colony, although Sir James Brooke was one of the very persons who had suggested to the Company the opening of a store in order to encourage trade. The matter of complaint was urged upon the right hon. Gentleman the Member for Taunton (Mr. Labouchere) when he was at the head of the Board of Trade; but he had fully stated, in answer to a question put to him, that in his opinion, after making inquiry, if the Company had not carried on their operations as they ought, it was not their fault, but that they had been influenced by others, who had endeavoured to throw difficulties in their way. Sir James Brooke, not satisfied with the result of his application to the Colonial Office, proceeded to take up another point, and charge the Company with having obtained their Charter by fraud. What was the ground of that charge? It was this—that they had induced the shareholders to embark their money under false pretences, and had induced the Government to grant a Charter on grounds which they were not able to carry out. So far from this being the fact, he (Mr. W. Patten) knew that many of the principal shareholders were induced to join the Company by no other motive whatever than that of a desire to assist in carrying out the views of Sir James Brooke himself. But in this attempt also Sir James Brooke failed, and he then looked out for other grounds on which to assail the Company. He endeavoured to find some shareholders who were dissatisfied with the proceedings of the Company, and he at last succeeded in finding one of the name of M'Bride, who filed a bill in Chancery against the Company to upset the Charter, on the ground that it was obtained on false pretences. He would read the judgment of Vice-Chancellor Turner in that case, namely, "M'Bride against Lindsay." He said—

> "Now, it is perfectly clear that the Court has nothing whatever to do with those questions, so far as they affect either Sir James Brooke or the Crown. If the Crown thinks that there has been any injury worked to its rights by its having been induced to make an improper grant, it is for the Crown to proceed to set aside that Charter which has been fraudulently obtained from it. So, again, if Sir James Brooke considers that he has been deceived by Mr. Wise, it is for Sir James Brooke to proceed to set aside that grant."

This was a perfect answer to the first charge of Sir James Brooke to upset the Charter by one shareholder. But he (Mr. W. Patten) was aware there was another suit going on in Chancery, and of this he was perfectly convinced, that, whatever the decision might be on the point, it was impossible to escape from the judgment of Vice-Chancellor Turner, that it was for the Colonial Office, and not for Sir James Brooke, to come forward and convict the Company of fraud. He, of all living men, was the most unfit to file a bill against the Company, for he had a large interest on the opposite side. The Company did not at present know in what capacity Sir James Brooke was attacking them, whether as a commercial rival in a foreign country, or in the exercise of his power as the Governor of Labuan. These were the few points he felt it his duty, on behalf of the Eastern Archipelago Company, to state to the Committee. He considered it to be the duty of the Government to take the dispute out of the hands of Sir James Brooke, and themselves to institute whatever proceedings might be deemed necessary. There was, however, one point which, at the urgent request of the Company, he wished to impress upon the Government, and that was, that Sir James Brooke should not be permitted to return to Labuan in his character of Governor until this case should be settled. Without wishing to say anything against Sir James Brooke, it must be obvious that he was placed in a most anomalous position, and was discharging the duties of two offices which were totally incompatible with one another. He (Mr. W. Patten) therefore called upon the Government to come to a speedy decision, that the matter might be settled before Sir James Brooke resumed his authority in the Colony of Labuan, and which he (Mr. W. Patten) had no doubt he would make available for inflicting great injury upon the commercial interests in that part of the world.

SIR JOHN PAKINGTON said, he had not the least complaint to make of the manner in which his hon. Friend had brought forward this question, and was ready to admit that he felt it to be one of considerable importance. But he hoped he should not be thought acting inconsistently with that feeling if he declined to enter into any discussion of the matter, believing, as he did, that it would be altogether premature. Whatever were the merits of the case between the Eastern

Archipelago Company on the one hand, and Sir James Brooke on the other, they were now the subject of proceedings in a Court of Law. Unfortunately, great differences had arisen between the Company and Sir James Brooke, which formed the subject of a very voluminous correspondence, in the course of which various charges were made; but, as he had stated, those charges were now before a Court of Law, and it would be wrong on his part if he were to attempt to anticipate what the decision of the Court would be. He was willing to admit that, looking at the state of Labuan, and at the small extent of its population, its commercial advantages to this country might altogether turn upon the means possessed by the Company of working the coal mines; and he was free to acknowledge, therefore, that nothing in his mind could be more unfavourable to the prosperity of the Colony than the disputes which had arisen between the Governor and the Company. It was, therefore, a grave question for the consideration of the Government whether it was right that these differences should be allowed to continue, and whether Sir James Brooke should continue to be the prosecutor, or virtually the prosecutor, in these matters. He felt that it was a question into which it was the duty of the Government to look seriously, and he hoped to be able soon to turn his attention to it with a view to take such steps as might be deemed advisable.

Mr. SIDNEY HERBERT said, that with respect to the charge which had formerly been brought against Sir James Brooke for improperly using the force under his command as Governor of Labuan to put down certain tribes who were supposed to be carrying on a trade in rivalry with him in the Eastern Archipelago, he (Mr. S. Herbert) at the time expressed his opinion that the charge against Sir James Brooke was unfounded; but he availed himself of the opportunity of asking whether Sir James Brooke was in any way connected with mercantile speculations, because he (Mr. S. Herbert) understood, that on his appointment by the Government, Sir James Brooke had no connexion with such matters. He was represented as having gone out to that part of the world in his yacht for pleasure; that he was a man of great energy; that he established for himself an advantageous position in Borneo; and that he was actuated in all his proceedings by philanthropic views. He (Mr. S. Herbert) did not dispute Sir James Brooke's philanthropy, but he did not think it was sufficiently known at the time that that gentleman was engaged in mercantile speculations which must influence him, and give a counter interest to those of the public. He would only instance a letter from Mr. Lindsay, in which it was stated that Sir James Brooke had threatened certain tribes to send a ship of war to attack them if they permitted any Englishmen to work the antimony mines in their districts, he being himself the proprietor of mines of antimony, for which he wanted to secure a monopoly. Such a proceeding, if true, must be the subject of grave consideration with the Government how far it would be permitted to continue.

Sir JOHN PAKINGTON said, he thought he had made it clear that the question was one entirely pending between Sir James Brooke and the Eastern Archipelago Company as to the legality of that Company.

Mr. HENRY DRUMMOND wished to say that the Committee must not suppose that there was no answer to be given to these statements against Sir James Brooke. He (Mr. Drummond) was himself in attendance to give an answer to them; but, looking at the time (a quarter to 4 o'clock), he would not attempt to do so then.

Mr. BAILLIE COCHRANE said, that he also had some explanations to give to the Committee on the subject; but, for the same reason as that assigned by the hon. Member for West Surrey, he should not trouble the Committee on that occasion.

Mr. HUME said, it had been supposed that he had on a former occasion acted as an agent of the Company, but he had no connexion whatever with it. He had done his duty in bringing the matter before Parliament, and it would now be the duty of the Government to vindicate the British Crown. He himself would not interfere further in any way. With regard to the civil establishment at Labuan, he considered it altogether disproportionately large for so scanty a population. He did not wish to destroy the settlement; on the contrary, he thought it might be made the means of communication with the Eastern part of the word; but he was anxious that the public money should be saved, and, above all, that these disputes should be put an end to.

Sir JOHN PAKINGTON said, he was willing to admit that these Estimates were very large; but he could assure the hon.

Gentleman that it was one of those subjects which he proposed to look into.

Vote *agreed to;* as were also—

(3.) Transfer of Aids.

(4.) Militia.

House resumed.

FEARGUS O'CONNOR, ESQUIRE.—Petition of Harriett Bernard Browne O'Connor, stating her belief that her brother, Mr. Feargus O'Connor, is of unsound mind, and praying that he may be discharged from custody, in order that he may be immediately placed in confinement under proper medical treatment.

Select Committee *appointed,* "to inquire into the facts contained in the said Petition:"—Committee to be nominated To-morrow at One o'clock.

THE NATIONAL SOCIETY AND THE QUEEN'S LETTER.

MR. J. A. SMITH rose, according to notice, to put a question to the right hon. Secretary for the Home Department, and said: I will state as briefly as I can the circumstances which have suggested the question of which I have given notice. The National Society, which is one of the great establishments for the promotion of education, and which is more particularly connected with, and maintained by, the Established Church, is managed by a Committee, of which every one of the bench of Bishops is a member, and of which also there are many other members, lay and clerical. During the last few years there has been an almost perpetual discussion and controversy going on between the Committee of the National Society and the Committee of Privy Council of Education, in reference to the management clauses under which schools receive assistance from the Committee. Up to a very recent period the Government refused all attempts to change those management clauses in pursuance with the request of the Committee of the National Society. But it is understood that recently the Government have decided on making changes in those Minutes such as meet the views and requirements of a section of the members of the National Society. It is unquestionably believed that the Government have consented to make certain changes in the Minutes of the Committee of the Privy Council which meet the views of certain members of the National Society. The Archdeacon of Taunton has publicly stated that he has seen a rough draft of those Minutes so altered; and, further, that those alterations have met with his approval. Upon that statement a deputation of gentlemen, comprising almost every class and shade of opinion, went (on Friday last) to the Archbishop of Canterbury, and laid before his Grace the grounds on which they conceived a change in the charter of the National Society had become absolutely indispensable; and they gave his Grace formal notice that unless a change in the charter was assented to, the gentlemen comprising that deputation would separate themselves from the National Society, and would establish another society carrying out the views they believe to be most advisable. Now, as the National Society is partly supported by public subscriptions, and partly supported by the Queen's Letter, under which large sums are triennially collected, and transmitted to the treasurer of the National Society, forming the principal funds of that society, the deputation felt that while this strong dissension existed as to the management of the National Society, it was no longer proper that that Queen's Letter should be issued, or that large funds, under that letter, should be placed at the disposal of a Committee from whom the deputation so greatly differed. My question, therefore is, whether, under these circumstances, the right hon. Gentleman proposes to issue the Queen's Letter this year; and if so at what period of the year it will be issued?

MR. WALPOLE: I beg to state that the issuing of the Letter depends on application being made to me by the Archbishop of Canterbury for that purpose in the usual course of business. No such application has been made to me as yet; and, strictly speaking, I don't think I can or ought to give an answer to the question, until I know more of the facts of the case. But, perhaps, I may take this opportunity of stating—as the hon. Gentleman has referred to alterations, or more correctly speaking relaxations, in the management clauses—that I hold the Minute in my hand, and that I intend to lay it on the table of the House this evening, in order to disabuse the minds of hon. Members, and of persons out of doors, of some errors on this subject, and in order that a just interpretation may be put upon the intentions of the Government.

FROME VICARAGE—THE REV. MR. BENNETT.

MR. GOULBURN said, the hon. Member for Cockermouth (Mr. Horsman) had a Motion for appointing the Select Committee on the case of the Rev. Mr. Bennett:—"To nominate the Select Committee on Frome Vicarage:—Mr. Horsman, Mr. Secretary Walpole, Sir David Dundas, Mr. Gladstone, Mr. John Abel Smith, Mr. Solicitor General, Mr. Evans, Mr. Stuart Wortley, Sir Benjamin Hall, Mr. Newdegate, Mr. Langston, Mr. Whiteside, Mr. Shafto Adair, Mr. Gaskell, Sir Harry Verney, Mr. Sidney Herbert, Mr. Edward Ellice, and Mr. Cumming Bruce." He wished to ask the hon. Member whether he intended to proceed with that Motion to-night; and whether he proposed that the Committee should consist of eighteen Gentlemen instead of fifteen, the usual number? He also begged to ask him whether he meant to accede to the suggestion of his right hon. Friend (Mr. Gladstone) who had given two notices on the subject:—

"After the nomination of the Select Committee on Frome Vicarage, to move that the hon. Member for Cockermouth do reduce into Heads or Articles the several Charges which he has made in his place against Richard Lord Bishop of Bath and Wells, and do present the said Heads or Articles to this House."—"After Mr. Horsman shall have presented the Heads or Articles of his Charges against the Bishop of Bath and Wells, to move, that the said Heads or Articles of Charge be referred to the Committee appointed to inquire into the circumstances connected with the institution of the Rev. Mr. Bennett to the Vicarage of Frome, and that it be an instruction to the said Committee to report their opinion thereupon to the House."

MR. HORSMAN said, in answer to the right hon. Gentleman, that it was his intention to proceed with the nomination that evening. He did not propose that the Committee should consist of eighteen Members. He had given in a list of fifteen names to the clerk at the table, and the three extra names had been inserted by a mistake of the printer; the Committee, therefore, would not consist of more than the usual number. He had been in communication with the Chancellor of the Exchequer, and was rather in hopes that the right hon. Gentleman would allow him to nominate the Committee after the Committee of Supply, in order to avoid the doubt that might arise if it were put off to a very late hour of the night. It was quite obvious that there was the best chance of its being appointed if they got to it at an early hour. With respect to the last question, it was a matter for the House to decide rather than him. The right hon. Gentleman the Member for the University of Oxford had given notice that, after the nomination of the Committee, he would "move that the hon. Member for Cockermouth be directed to reduce to heads or articles the several charges he had brought against the Bishop of Bath and Wells, and to present them to that House;" and the right hon. Gentleman stated, when he gave his notice, that he was prepared to show to the House that what he proposed was strictly in conformity with precedent. He would only reply that if the right hon. Gentleman did show that, and if it was the pleasure of the House that he should submit the heads of charges, as proposed, he should willingly bow to the wishes, or rather the commands, of the House, and do whatever lay in his power to conduct the inquiry in the manner that would be most satisfactory both to the House and to the right hon. Gentleman.

The CHANCELLOR OF THE EXCHEQUER said, as the hon. Member had referred to the conversation he had had with him, he wished to state that it was certainly his desire to facilitate the appointment of a Committee; and if he could be sure that no discussion would take place, he would willingly waive the privilege of the Government with respect to the order of business. But he was not satisfied, from the inquiries he had made, that there would be no discussion, and therefore he felt it his first duty, as there was a great deal of business that must be attended to, to watch over the progress of the Government Bills, many of which were of the greatest importance. He would, however, endeavour to assist in obtaining an opportunity for the nomination of the hon. Gentleman's Committee in the course of the evening, if possible, but he could not at present pledge himself to afford that opportunity after the Committee of Supply.

MR. GLADSTONE said, that, having been referred to, he wished to observe that, as the hon. Member (Mr. Horsman) had not seen cause at once to express his assent to the Motion of which he had given notice, and as it was a point of the highest constitutional importance, it would be necessary for him to detain the House at considerable length in making that Motion. He was perfectly prepared to perform his part, at whatever hour it might be; but he thought it only fair to give this notice that hon. Gentlemen might take their measures accordingly.

MR. HORSMAN understood that the

fifteen hon. Gentlemen whose names were put down were willing to serve.

Mr. GLADSTONE said, he had stated distinctly the other night that nothing would induce him to serve on the Committee unless the hon. Gentleman observed the course of laying before it the written charges which he had made.

The SOLICITOR GENERAL complained that his name had been placed upon the Committee without his sanction.

Mr. HORSMAN could only say that he had shown the list of names to the right hon. Gentleman the Chancellor of the Exchequer, who had struck out one name, and had, instead, put in that of the Solicitor General. Under those circumstances, he hoped the hon. and learned Gentleman would be of opinion that there had been no want of courtesy on his part.

The CHANCELLOR of the EXCHEQUER thought it right to state, in justification of the Solicitor General, that he had had no communication with the hon. and learned Gentleman since he had suggested that his name should be placed upon the Committee. What he had said to the hon. Member for Cockermouth was this:—"If all the other Gentlemen mentioned by you have consented to serve, I have no doubt you may put the Solicitor's General's name down." He had, however, certainly understood that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had specifically promised to serve.

The SOLICITOR GENERAL, of course, must exonerate the hon. Member for Cockermouth from having made unwarranted use of his name. When, however, the time arrived for the appointment of the Committee, there were two questions of which he should give full notice to the hon. Member before he (the Solicitor General) could consent to serve.

ESTIMATE FOR MAYNOOTH COLLEGE.

Mr. MONSELL said, he had two questions to put to the hon. Member for Herefordshire (Mr. Cornewall Lewis), who was Secretary to the Treasury in the late Government. On Friday last he (Mr. Monsell) asked the Home Secretary why it was that the annual grant for the repair of Maynooth College had been left out of the Estimates this year? To that question the right hon. Gentleman replied, that the reason why it was omitted was, that the Government did not consider there were any circumstances that rendered any such vote necessary, and therefore it had been omitted from the Estimates that the present Government had adopted. He wished to ask the hon. Gentleman the Member for Herefordshire, first, whether it was within his knowledge that the Estimate had been sent in by the Board of Works in Ireland (the proper authority) for the repair of the College of Maynooth this year; and, secondly, whether the late Government gave any direction for the omission from the Civil Service Estimates for this year of the annual grant for that College before they went out of office?

Mr. CORNEWALL LEWIS said, that in the course of last autumn the usual circular was sent by the Treasury to the different departments, calling on them to furnish their answers with respect to the Estimates for the ensuing year. Before the late Government went out of office, an answer was received from the Irish Board of Works, in which there was a sum proposed for repairs to the College of Maynooth, amounting, according to the best of his memory, to the sum of either 1,000*l.* or 1,200. Before the change of Government took place, the Estimates had not been prepared to be laid before the House; they were not put in the form in which they are printed, nor had they been considered by the Government. No directions had been given by the late Government for the omission of this item from the annual Estimates; and he could only say that he had no reason to doubt that if the late Government had remained in office this item would have been continued in the Estimates as before.

CASE OF MR. MATHER—REVIEW OF THE SESSION.

On the Order of the Day for receiving the Report on Supply,

Lord JOHN RUSSELL rose, according to notice, "to call the attention of the House to the case of Mr. Mather, and generally to the present state of Public Affairs." Sir, I am at all times unwilling to bring questions relating to the foreign policy of the Government before the attention of the House; for I think that, generally speaking, it is difficult to judge of the conduct of the Government with respect to particular transactions in which they may have been concerned with foreign Powers on terms of amity with this country; and I am so little disposed to press the Government upon this subject, that when, the other day, I asked the noble Lord (Lord

Stanley) the Under Secretary for Foreign Affairs, if it were true that a protocol had been signed with the great Powers as to Neufchatel, and whether it could be laid on the table—the noble Lord having informed me that there was such a protocol, which he described as being one of considerable importance—when he went on to say that it would not be desirable to lay it on the table (meaning, I presume, that reasons of public interest would prevent the Government from laying it on the table)—I did not say one word more, or press for its production. But in the case to which I am about to call the attention of the House, the Government have, of their own accord, without any pressure on the part of the House so far as I am aware, produced the correspondence respecting the assault committed upon Mr. Erskine Mather at Florence; and this correspondence was presented to both Houses "by command of Her Majesty." And, Sir, having read those papers, it could not but occur to me that if they were left altogether unnoticed by Members of this House, such Gentlemen as might have the good fortune to be elected to the next Parliament would be told that they had taken no notice of these papers, though they had been presented to Parliament in June, and that, therefore, it must be presumed that they had no fault to find with the conduct of the Government. Now, Sir, upon reading these papers, it appears to me that though it is not necessary nor advisable to come to any resolution upon the subject, yet that it is advisable that Members of the House should not be supposed to be committed to an approbation of the course that has been pursued; and, therefore, I think it necessary to call the attention of the House to the contents of these papers. Sir, the House will recollect that at the end of last December, two gentlemen of the name of Mather, one of the age of seventeen and the other nineteen, being in a crowded street in Florence, and having in their attempt to cross come between a detachment of an Austrian regiment, and the regimental band, one of these young gentlemen (the elder of them) received, first a blow on the back, next a severe blow on the face, and, when he was recovering from that blow, he received a cut with a sword, which opened his skull, and placed him in a situation of some danger, so as to require his immediate conveyance to an hospital—I do not, of course, mean to say that the injury was of such a kind as to place his life in danger, but at all events it was an injury of some magnitude. A complaint was made to my noble Friend Earl Granville, then Secretary of State for Foreign Affairs, who immediately wrote to Mr. Scarlett, our acting Minister at Florence, and to the Earl of Westmoreland, our Ambassador at Vienna, stating the facts of the case as they had been reported to him. But in the meantime a despatch had been received from Mr. Scarlett, stating that a formal inquiry had been demanded from the Tuscan Government; that that formal inquiry was to be instituted, and was to commence immediately. Earl Granville, therefore, added to the end of the despatch to the Earl of Westmoreland, that at that moment he had no official instruction to give. These were his words:—

> "I have now received a report from Mr. Scarlett, stating that at his request and in conformity with a desire expressed by Mr. Mather, the Tuscan Government has consented to a judicial inquiry. I have, therefore, no official instructions to address to you; but if this inquiry is not fairly conducted, and influence is used to suppress the truth, the British Government will be obliged to ask for reparation for this outrage upon an unoffending and unarmed British subject, from Austria, and to express the confident expectation of Her Majesty's Government that such reparation will be promptly afforded by the Austrian Government."

I should now, however, mention that Mr. Mather has made a representation with respect to what was said in this House, in which he has not been correctly informed. He has stated that it had been said in this House by myself, that it was proposed by Mr. Mather that there should be a proceeding before the legal tribunals of Florence. Now, I never said any such thing. There may have been some report to that effect in a newspaper which I have never seen; but it was correctly and exactly reported in *Hansard*, that I said—

> "The British resident had already taken steps to comply with the request of the injured gentleman to procure a judicial investigation of inquiry."—[3 *Hansard*, cxix. 199.]

In this position the case stood when the present Ministry came into office. Mr. Scarlett had obtained from the Tuscan Government a promise of inquiry, and that inquiry was, after a time, instituted by that Government. Now, the first question which arises upon this subject is—What was the nature of the offence given; and, secondly, what would be the reparation to be required? Of course, the second question depends entirely upon the first. If the offence was of a certain nature, entirely wanton or unprovoked, one kind of reparation would be required; but if it were merely an accident, a different kind of reparation would be sufficient. I looked, therefore, to these papers, in order to ascertain what was the view taken by the Earl of Malmesbury. It appears that the statements made upon this subject by the two parties are more conflicting than I had at first supposed. Mr. Mather states—

> "On the forenoon of the 29th of last month a detachment of the infantry regiment Kinsky was marching down the Via dei Martelli, preceded by its band. The usual crowd of persons accompanied the music, some of them (including Mr. Mather and his brother) walking between the band and the troops. An obstruction was created in a narrow part of the street by the passage of a carriage. Mr. Mather came accidentally in the way of the commander of the detachment, Lieutenant Forsthüber, and admits that he may possibly have touched that officer. He then received a blow from the flat of Mr. Forsthüber's sabre on his back, and on turning round indignantly to expostulate, was struck in the face by another with his fist. While staggering from this blow he received a sabre-cut on the head from Lieutenant Forsthüber, which wounded him so severely that his life is still in danger. He was then taken to the hospital, and still lies there."

The account given by the Austrian officers is very different. It is stated by the Austrian Minister—

> "The detachment of infantry which, preceded by military music, was mounting guard, was passing through the narrow street which leads from the Via Larga to the Piazza del Duomo. There was a stoppage, and many people were pushing themselves between the music and the troops, insomuch that the latter were forced to shorten step. One man in particular walked the whole time precisely before the officer, who being in command of this detachment was in the place prescribed to him by our military regulations, and prevented him from continuing his progress. The officer told him politely in Italian to give place to him, at the same time touching him with his sabre in order to make him understand that he was speaking to him. This man thereupon turned round, looked at the officer, but continued to walk in the same manner. After this proceeding had been several times repeated, the officer became angry, and forcibly thrust aside the man who prevented him from continuing his march, and who he could not but think did so with mischievous intent, as he did not attend to words spoken politely.
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> "Another officer who accompanied the guard, without being on duty, gave (under a like impression) another blow to this individual, who turned round with an irritated look, and was no other than Mr. Mather. Upon that Mr. Mather putting himself in a boxing attitude advanced with his fist uplifted towards the officer—who was on duty, and had his sabre in hand. The officer, who certainly could not submit to be treated after such a fashion, and who was exposed to the risk of receiving an outrageous insult at the head of his detachment, made use of his arms by giving Mr. Mather a stroke of his sabre."

The House will see that there is the greatest difference between the two statements. In the one case there appears to have been a wanton and unprovoked attack—in the other case the officer had, if not a justification, at least an excuse or palliation in this, that he imagined Mr. Mather was about to strike him, and that he could only prevent the dishonour of the insult by striking him with his sword. Sir, I naturally looked to see what was the character Lord Malmesbury gave to the transaction—whether he took the one view or the other of the circumstances connected with it. It appears to me that one course he might have taken, without deciding at once what was the character of the transaction, was to have had the parties who gave these two contradictory accounts confronted with one another and examined. This is the way in which we proceed in this country in similar cases. It appears, however, that in this case no such course was taken. It never seems to have occurred to the Government to ask to have the facts ascertained, although, on the one hand, Mr. Mather and his witnesses concur in one story—that the unfortunate young gentleman was struck on the back with a sword, that he received another blow in the face with the fist, and that while staggering under this second blow and had not yet recovered himself, he received the cut on the head from a sword; while, on the other side, it is stated as positively that the menacing attitude of the young man provoked the sword-cut. I will read to the House, for the purpose of putting them in possession of the very different account of the circumstances which the Austrian officers give, what Marshal Radetzky says; in doing so, however, I must say, the Marshal sets altogether aside the proceedings of this Tuscan court of inquiry, which had been granted at the solicitation of Mr. Scarlett. He says—

> "On the 29th of December last, First Lieutenant Forsthüber, marching at the head of his detachment directed to occupy the post at the Palace, was passing through a narrow street. At that instant the Englishman Mather placed himself between the band and the commander of the detachment. The latter, inconvenienced in his advance, intimated to him to withdraw, first by a slight pressure with the flat of his sword, and afterwards with his left hand, the first intimation having been ineffectual. In complying with this injunction, Mr. Mather, apparently without intention, knocked against Lieutenant Baron de Karg, who, not being on duty, was walking by the side

of the detachment. The latter had the imprudence to strike him a blow in the face with his fist. The Englishman, irritated, turned round, in a threatening attitude, and with his fist uplifted after the manner of boxers, against First Lieutenant Forsthüber, towards whom he advanced; when the latter, fearing to be exposed to a dishonouring insult, from which it necessarily behoved him to secure himself, struck him immediately a blow on the head with the edge of his sabre. Mr. Mather, whose wound, moreover, did not seem serious, was carried to the hospital.

"Although the civilians heard as witnesses by the Tuscan authorities do not represent the matter exactly as I have stated it, inasmuch as they pretend not to have remarked, or at least not to have perceived, the menacing attitude assumed by Mr. Mather against First Lieutenant Forsthüber, that circumstance is not the less proved by the depositions of the soldiers; and there is the less doubt attaching to it, inasmuch as all the civilian witnesses assert that Mather was walking between the band and the detachment, and one of them expressly declares that he had observed that a sharp dispute had taken place between him and the officer in command.

"The character and previous conduct of First Lieutenant Forsthüber not allowing me to suppose that he acted without sufficient reason, I am of opinion that that officer was perfectly in the right, and that he absolutely did nothing but what he was bound to do to defend himself from an outrage and its inevitable consequences.

"That being the case, it is my opinion that, saving better information, the conduct of First Lieutenant Forsthüber is fully justified.

"Unfortunately, I cannot say so much for Lieut. Baron de Karg, who, by striking an Englishman in the face, without cause, necessarily excited in him a degree of passion easily to be accounted for, and who must consequently be considered as being the principal cause of the menacing gesture of Mr. Mather.

"Although, in general, the previous conduct of Lieut. Baron de Karg is equally altogether blameless, and although the proceeding of that officer, who is moreover well-conducted, cannot assuredly be attributed to anything but hastiness, I have nevertheless caused him to be put under arrest for a week."

Sir, this seems to me rather a peremptory declaration upon the part of Marshal Radetzky. He is a person whom all Europe respects for his gallantry and his distinguished character; but I must say he seems in this instance to set at nought anything like civil testimony, and to conclude that nothing but the evidence of soldiers is worth anything: *jura negat sibi nata, nihil non arrogat armis.* Not a word do we hear in his despatch, except as to the testimony of his own soldiers; and at the same time no pains are taken to have that testimony; it is all to be taken on the word of the Marshal himself, who ordered a separate military inquiry; and there are no means of ascertaining whether the testimony of the soldiers was entitled to credit, or whether it were shaken by that of the civilians, or whether it is obviously in contradiction to the facts. But Her Majesty's Government having taken no means to ascertain the truth, one would think that at least they would have decided themselves which was the story to be believed, and that they would have said either "here is a most unprovoked assault"—as Mr. Mather says—or, "it was a mere accident," occasioned by Mr. Mather having placed himself in a provoking position, and a menacing attitude towards an Austrian officer at the head of his detachment. Now, Sir, I find on looking through these pages, to my great astonishment, that Lord Malmesbury actually adopts both these views. He speaks of it sometimes as an "unprovoked and wanton outrage;" and at other times as an "accident, purely fortuitous." The noble Earl, writing to Mr. Scarlett, calls it an "unprovoked outrage," and says—

"Although it would unquestionably have been more satisfactory to Her Majesty's Government, and in their opinion more conducive to the ends of justice, if the party aggrieved had been allowed to be present, either in person or by his advocate, during the examination of the various witnesses, yet as it is stated that such a course would have been inconsistent with the practice observed in Tuscany in regard to such matters, Her Majesty's Government are content to take the evidence as it has been communicated to them, and they readily admit that as far as they can judge by the documents, the Tuscan authorities engaged in the inquiry appear to have been actuated by a sincere desire to elicit the truth.

"Now the evidence which has thus been obtained conclusively establishes that a most unprovoked outrage was committed on an unarmed and unoffending British subject by an officer in command of a military party acting for Tuscan purposes in the Tuscan dominions.

"But Her Majesty's Government have such entire confidence in the honourable and just sentiments by which the Grand Duke of Tuscany is distinguished, that they are satisfied that the Government of Tuscany must be anxious to mark their abhorrence of this outrage inflicted upon an innocent individual by a becoming reparation.

"And even if Her Majesty's Government could take a lenient view of the conduct of the Austrian officer, and consider the blow inflicted by him as the result of a misapprehension on his part, still it would be impossible for Her Majesty's Government to release the Tuscan Government from the performance of an international duty by making reparation to Mr. Mather for the personal insult and bodily suffering which he has sustained."

But when the noble Earl writes to Lord Westmoreland, he speaks of it as a "fortuitous accident:"—

"Her Majesty's Government entirely agree with his Highness that there is no reason to believe that any national feeling of animosity to

Englishmen moved the Austrian officer on duty to repel so hastily and with such violence an anticipated affront from an unarmed man. It is equally certain that no object of private or personal malice provoked the act.

"Assuming therefore with his Highness that it was caused by a 'concourse of fortuitous and unfortunate circumstances' (*concours de circonstances fortuites et malheureuses*), it is nevertheless the duty of the Tuscan Government, on whose territory these occurred, to present the sufferer with such pecuniary compensation as he would have obtained in his own country if his life had been endangered either by a premeditated or an accidental injury. With the conviction that such a demand is consonant with those principles of justice and humanity which are equally binding to nations and individuals, Her Majesty's Government has required of the Tuscan Government this reparation for the severe sufferings and great peril which Mr. Mather has experienced."

This was giving up altogether the statement that the assault was an unprovoked and wanton outrage; and Count Buol, very naturally, as far as I can see—and I must observe here that the Government of Austria appears to have been very conciliatory with respect to this matter so far as Her Majesty's Government has asked them, and really pressed upon them to look into the case—Count Buol added, in his reply to Lord Westmoreland—

"Count Buol also stated that during the occupation of the northern provinces of France by the Allied Armies, the soldiers were not under the civil tribunals of that country. Count Buol added, that as the question at present stood, he did not see that he could do more than wait for information from Tuscany as to the line that Government had taken upon the reply they had received from your Lordship; and in the meantime he would recommend an arrangement upon the principle of compensation, not for an insult—for, according to your Lordship's correspondence, that was not the ground upon which you placed this question—but for an unfortunate accident in which no nationality was concerned; and he would at the same time state the disposition of the Emperor (upon such an understanding) to come forward himself with the proposition I have already mentioned for the arrangement of this question."

There it is. In the first place it is an unprovoked and wanton outrage; and, in the next place, it stands in the despatches as the result of accident. The House cannot but have remarked, too, that when the despatches were directed to Florence, the assault is represented as unprovoked and wanton; and when to Vienna, it is then nothing else but an unfortunate accident. Again, when the noble Earl is writing to Florence, however, there is a curious passage in one of his despatches, which it is difficult to understand. He says—

"You will thank Count Buol for his amicable offer respecting the Mather case, and state that I consider it as an earnest of his friendly feelings towards this country and its Government. You will, however, explain that as Her Majesty's Government have always insisted on the independence of Tuscany, and its responsibility either to open her civil courts to foreign plaintiffs, or, if she closes them, to entertain the complaint through the Executive, there would be considerable awkwardness in our receiving compensation from Austria, with whom we have had no official correspondence in the matter. If Count Buol wishes to serve us in this dispute, he can best do so by giving his advice to Tuscany to refer the amount to an arbitration which Mr. Scarlett is instructed to propose at Florence. My determination is that Mr. Mather should get what he would have obtained from an English court had be been cut down at a review in Hyde Park by accidentally hustling a violent soldier.

"I have before stated that there is no reason whatever to suppose that malice or any anti-English feeling stimulated the act; but certainly ninety-nine out of a hundred would, under the circumstances, have only struck the supposed offender with the hilt or flat of their sword. It was, therefore, a brutal act, although unpremeditated; and as I understand the skull of the sufferer is injured, and he is not in opulent circumstances, a pecuniary compensation is both an equitable and a legal demand on his part."

I cannot understand how a man could be "cut down by hustling a soldier." The "hustling" might, perhaps, have the effect of provoking the soldier to cut the man down, but one can hardly speak of its being an "accident," that a "violent soldier" should cut a man down. However, after all, Mr. Addington writes to Mr. Mather thus:—

"I have the satisfaction of informing you, by the direction of the Earl of Malmesbury, that after long and vexatious negotiations with the Tuscan Government, Mr. Scarlett has succeeded in obtaining for your son a practical atonement for the unmerited and brutal treatment he received at Florence, by the payment by that Government of the sum of 1,000 francesconi. Although Her Majesty's Government do not consider that this sum is equivalent to the injury which Mr. Mather suffered, or to that which an English Court would have awarded him as damages for his sufferings; and although it is less than Mr. Scarlett was instructed to demand, Her Majesty's Government have reason to believe that Mr. Scarlett acted to the best of his judgment in thus concluding the controversy."

This quite contradicts the idea of an "accident." "An unprovoked and brutal outrage" cannot be an accident. An accident may be violent, but if it be once admitted to be an accident, that takes away its "brutality," and it cannot have been an "unprovoked outrage." With regard to the first question, then, the character of this injury—that young Mr. Mather had his head cut open with a sword, that he had previously been struck in the face—

these are facts which no one denies; but whether these were acts which were done wantonly, brutally, and unprovoked, is a question which Lord Malmesbury would appear never to have decided, because, what was an "unprovoked outrage" when the noble Lord writes to Florence, becomes an "unfortunate accident" when he writes to Vienna. Well, then, it is not surprising that Her Majesty's Government, having taken no steps to ascertain the truth of this charge, having never made up their minds which of the witnesses are to be believed, whether they would believe Mr. Mather himself and his brother, or the Austrian officers — and I must say the Messrs. Mather seem to me to be unexceptionable, plain, and straightforward in their story, and they are corroborated by all the Florentines upon the spot—Her Majesty's Government, I say, do not appear to have made up their minds whether they would believe these gentlemen or Marshal Radetzky, as to a military inquiry, the result of which was that Lieutenant Forsthüber was entirely in the right, and is not to be blamed. And it is no wonder, therefore, being in that doubt as to the character of that transaction, that the Government have not behaved very consistently with regard to the reparation they should exact. I have said that Lord Granville had asked for ample reparation from the Government of Tuscany, it being true that, that being the Government under which the injury was committed, was in the first place responsible for that injury. But Lord Granville likewise said that if that inquiry did not result in due reparation being given by the Tuscan Government, the Austrian Government would likewise be bound to give reparation; and that was the true view to be taken of the case, because I think both Governments were responsible. Well, Mr. Mather, I must say, in the first instance, placed the question in the hands of Lord Granville, and expressed himself in as fair a manner as could be. He stated very fair objections to taking it before the Tuscan courts; but he said—

"We are, however, entirely in the hands of your Lordship and the British Legation here. If it be deemed best, for reasons of state which I do not understand, to take such a course, or any other, by our receiving official authority and instructions how to act, as far as we are concerned, they shall be promptly and willingly obeyed. What may be fitting for the honour and satisfaction of our country, of which your Lordship in such a case is the guardian and judge, cannot but be so for us."

Nothing could be more fitting or becoming than the tone taken by Mr. Mather on the occasion. His son had suffered a great injury; he had gone out to Italy in great anxiety, and found his son still weak from the effects of the injury; and he felt that he had fair claims for redress; but he says to the Foreign Minister, "You will prescribe the course to be pursued to vindicate the honour of the country, and though it may not be according to my judgment, it will be the judgment of my own Government, and a decision to which I shall bow." No one could take his stand better than Mr. Mather in using that language. Well, Sir, Lord Malmesbury has so contrived that Mr. Mather, who was the object of the injury, and Mr. Scarlett, who was the person endeavouring to obtain reparation for him, should be the only persons insulted, and that the officer who inflicted the injury should be the only person to get off with applause; for Mr. Mather's character is injured, and Mr. Scarlett has a very cruel censure passed upon him by his Government. Mr. Mather is invited to a conference with Lord Malmesbury, and is told that the noble Lord has demanded pecuniary reparation. Of that conference the following is a memorandum:—

"Lord Malmesbury having been pleased to indicate that he thought personal reparation should be obtained for Mr. Erskine Mather, and to desire Mr. Mather's opinion on this point, he begs to state that it is with the utmost pain that he addresses himself to it, and that nothing but the official commands of his Lordship should have made him deviate from the uniform course which he and his unfortunate son have invariably taken in this matter, of refusing to make it a personal question, but one of a higher and more important nature.

"Mr. Mather taking into consideration the grievous injury inflicted; the risk of his son's life; his sufferings; the continued injury to his health; the eventual uncertainty of future results; the party that inflicted it being the officer of a Government which has been implicated by his act; and the probability that an appeal for reparation in an impartial court, and on the principles universally recognised, would have produced a large amount of reparation in such a case; Mr. Mather names to his Lordship 5,000*l.* as what seems to him, under all these circumstances, just and proper, and is not overvaluing the injury and its probable consequences to his son.

"Mr. Mather again begs to repeat to his Lordship that this is the most painful part of the duty imposed upon him in all the trying circumstances with which this unfortunate affair has been attended, and that respect for the views and wishes of Lord Malmesbury have alone induced him to express an opinion upon this point of the question."

Nothing could be clearer than that Mr.

Mather did not desire it to be made a question of pecuniary reparation, but showed a due deference to the opinion of Lord Malmesbury, and was induced to name a sum to be demanded. He named 5,000*l.*, at the same time stating that this was the sum he deemed due, not only to himself for his anxiety, and his son for the injury, but to the injury done to the honour of his country, and for the breach of international law. But it is perfectly clear that, whether the sum he named were right or not, Mr. Mather had no business to fix the sum due for the breach of international law; that was a question entirely for the noble Lord. That was not a question for him, and he had always so felt it; and when he was asked again to name a sum, he said it was with the greatest reluctance that he named a sum by way of reparation for the injury he had sustained. Well, Mr. Mather might have named 50,000*l.* or 100,000*l.* He might have thought that if the Government ought to ask for money, it ought to be a large sum. But, evidently, Lord Malmesbury was the person to fix the sum, for he represented the Government, and he was quite wrong to call upon Mr. Mather to name a sum as reparation. Lord Malmesbury might have told him, "I will inquire of the Queen's Advocate the proper sum to be given by the Tuscan Government as reparation, and I will inform you." I remember a case which occurred when the noble Lord (Viscount Palmerston) the Member for Tiverton was at the Foreign Office—of an English merchant in South America, who was unjustly imprisoned. My noble Friend asked the Queen's Advocate what the reparation ought to be, and he said it ought to be 20*l.* a day; and my noble Friend asked for that sum from the South American Government. The merchant was not satisfied with that, and thought it not enough; but the noble Lord, who understood the business of his department, never thought of saying to him, "I will listen to you, a private merchant, as to the reparation I shall demand; state what is the amount you think proper." The noble Lord said, "I shall consult persons who are competent to give me an opinion, and I shall ask that which the Government have a right to ask." But Lord Malmesbury, having committed this very great mistake, was so far from repairing that mistake as to say, "I will put aside the question whether the reparation shall be 1,000*l.* or 500*l.* I think it ought to be in money; it is tangible," as the noble Lord says in one of his despatches. "If so," Mr. Mather said, "I am quite content with anything that the Government of my own country think fit. Theirs is the responsibility, and not mine." But what did Lord Malmesbury do? He did not fix a sum—he did not tell Mr. Mather what he thought he ought to ask—but he writes a general direction to Mr. Scarlett to obtain a sum of money:—

> "You must, if possible, get 500*l.* for Mr. Mather, or he should have such a sum as could buy him an annuity. That is what he would have got in England. As a last resource you might ask for arbitration."

The noble Lord also writes:—

> "The sum asked by Mr. Mather is exorbitant; but you will be able to judge what can be got. A pecuniary compensation is at least tangible. You must hold firm language on both subjects. I do not think we should take less than 1,000*l.* If, however, you get the Tuscan Government to admit that some compensation is due, it will not be very difficult for us to fix the sum."

Now, look at the injury done to Mr. Mather. He stood in the position of a man saying, "My son has suffered a cruel injury, and I have suffered a cruel injury. I put my case in the hands of my country; I submit my case to my Government, to do what they think fit." And, then, the Secretary of State has no better means of obtaining the redress that is asked than asking him how much he thinks his son's wound is worth in money? which the noble Lord says is "tangible;" and then, having obtained the estimate from him, he sends it out to Florence to be published about that Mr. Mather is a man who has made an "exorbitant demand." That is the position in which the Secretary of State places a man who has been cruelly injured —representing him as a man greedy of money, and only anxious to obtain a large amount. Thus the character of Mr. Mather is injured by the very Minister who ought to have undertaken his defence and obtained redress from him. Lord Malmesbury should have written to Florence that Mr. Mather would never have thought of naming a sum as reparation for the injury his son had sustained, and that he would not name a sum until he desired him to do so. But Lord Malmesbury left it to be understood at Florence, as if there were a demand on the part of Mr. Mather of what was most unreasonable and out of the question. And what directions are given by the noble Lord to Mr. Scarlett as to the sum he should demand? The noble Lord does not name a certain sum, and say that no less must be taken; the noble Lord merely says—

> "It now becomes necessary for Her Majesty's Government to point out in what that reparation should consist, and it may facilitate the settlement of this question on the part of the Tuscan Government if they are informed that the father of Mr. Mather (who is a minor) is himself inclined to consider that the injury done to his son may be atoned for by a pecuniary payment on the part of the Tuscan Government. On this point the undersigned is instructed to state to the Duke of Casigliano that Her Majesty's Principal Secretary of State for Foreign Affairs having heard from Mr. Mather's father, subsequently to that gentleman's return to England from visiting his son at Florence, the representations which he had to make upon the subject of the injury done to his son, requested him to put in writing the nature of the reparation which he demanded on behalf of his son, who is under age; and Her Majesty's Secretary of State shortly afterwards received from Mr. Mather's father a statement that he would be satisfied if a sum of 5,000*l.* was paid to his son.
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> "Her Majesty's Government, however, consider that sum to be greater than they ought to demand of the Tuscan Government to pay."

And accordingly Mr. Scarlett says—

> "The undersigned is therefore instructed to state to the Duke of Casigliano that Her Majesty's Government expect and require that a sum proportionate to the sufferings and indignity inflicted on Mr. Mather, jun., should be paid to his father, as compensation for the outrage inflicted on his son."

In another despatch the noble Earl says—

> "Her Majesty's Government have seen with deep regret that the Tuscan Government do not appreciate the arguments you have used and the spirit you have shown in advocating Mr. Mather's just claim to a pecuniary compensation, when all other opportunities of redress which independent and civilised nations afford to injured persons have been denied him.
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> "It is impossible for Her Majesty's Government to abandon the demands they have made, and although they again repeat that they consider Mr. Mather, sen.'s valuation of 5,000*l.* to be exorbitant, that opinion in no way alters the question of principle involved, nor diminishes the absolute necessity that some compensation should be paid."

The noble Lord, however, having used these words, "You must, if possible, get 500*l.*," Mr. Scarlett, finding that he could not get that sum, came to an arrangement with the Tuscan Government, which was not satisfactory, and which he ought not to have concluded without referring home for instructions. Up to this time, however, he had never been informed what he was to ask, and the very words—"You must, if possible, get 500*l.*," left him a large latitude of discretion. Had he been told, "You must get 500*l.*: no less will be received," he could have understood his instructions. He agrees, however, to take 220*l.*, saying (strangely enough):—

> "If I treat the Mather question by itself, my instructions absolutely prevent me from consenting to any minimum but that of 500*l.* sterling, as I had the honour of announcing to you in our yesterday's conversation.
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> "The only way in which I could venture to take upon myself the question of fixing a sum more nearly approaching to yours, would be by persuading Monseigneur the Grand Duke to exercise at the same time his gracious clemency in favour of the Messrs. Stratford."

No doubt Mr. Scarlett was to blame for finally making such an agreement; but it is a great palliation of his conduct that he never received instructions as to the sum he was to ask. Lord Malmesbury thereupon writes thus:—

> "Mr. Barron informs Her Majesty's Government that Mr. Scarlett has brought the negotiations which have so long been pending on the Mather case to a close, by receiving from the Tuscan Government a compensation of 222*l.*; and he explains the acceptance of a sum so inferior to that which I instructed Mr. Scarlett to demand for Mr. Mather by stating that the release of the Messrs. Stratford from prison was also obtained as part of the bargain.
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> "Her Majesty's Government cannot for a moment doubt the zeal which Mr. Scarlett has uniformly shown in carrying out till now the various orders which he has received from this office, bearing upon questions of a difficult and vexatious character, and they are ready to admit that in this last transaction Mr. Scarlett has acted to the best of his judgment.
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> "I should not, however, be strictly performing my duty were I not to express to you that Her Majesty's Government regret that Mr. Scarlett should have taken a view of what was expedient in the settlement of Mr. Mather's compensation, as much at variance with his instructions as with sound reason and equity."

It is rather unaccountable how Mr. Scarlett could have "acted to the best of his judgment," and have "zeal in carrying out the orders he received," and yet have "taken a view as much at variance with his instructions as with sound reason and equity." The result is unfortunate; the object being to obtain reparation for Mr. Mather, the only persons who are found to suffer in the transaction are Mr. Mather, who was injured, and the agent to whom was entrusted the negotiation for reparation! Do not tell me that Mr. Scarlett is incapable of carrying out his instructions. He has had considerable experience, and if he had been duly instructed would have conformed to his instructions. But it is the old story of the bad workman—one man will carve a statue with a penknife, while another with the best tools will only produce a shapeless mass. Mr. Scarlett, if he had been informed what sum his Government would have accepted, would have demanded it and taken no less. Be it observed that during all this time the Austrian Government, which professed throughout the most conciliatory disposition, and showed every wish to gratify the Government in any reasonable request, was not asked to take any steps on the subject; and this, after a communication had been made by the Tuscan Government to the effect that a convention had been signed with Austria, by which Austrian officers could not be brought to trial for any offences committed against civilians. If it were beyond the power of the Tuscan Government to arrest an Austrian officer for such offences, the Austrian Government became responsible for their conduct; and to that Government a request for reparation might properly have been made. If it had only been that the Austrian troops should not be indulged in the wanton habit of cutting down men for an insult offered, that would have been a satisfaction: but as it is, every Englishmen who goes into any part of Italy where there are Austrian troops—and, unhappily, they are in all parts, and where they ought not to be—even in independent States, as the States of the Church and the Tuscan States—every Englishmen in these States is exposed to any injury which an Austrian officer may think proper to inflict upon him, without any chance of redress, according to the mode in which the Government had behaved in this case. I have heard lately of a non-commissioned officer of marines who has been punished in one of the towns of Italy according to the Austrian code—a case which ought to be considered. But though the present case was simple in itself, and though neither the Austrian nor the Tuscan Governments seem to have been disposed to resist any reasonable demands, such is the mode in which Lord Malmesbury has conducted the case that it has only tended to ridicule and contempt. I will say only a few words as to the conclusion of the transaction. On the 21st of May, Lord Malmesbury wrote to Sir Henry Bulwer, "Although I have with much regret explained to you that Her Majesty's Government cannot approve of the arrangement thus concluded by Her Majesty's *Chargé d'Affaires* at Florence, they will, of course, not refuse to recognise it;" but it appears that after this despatch was sent off, namely, on the 24th of May, a despatch was read by Lord Malmesbury, which, however, arrived on the 22nd of May, and which totally changed Lord Malmesbury's view of the whole transaction. It certainly does seem extraordinary—considering the regularity with which business is transacted at the Foreign Office—considering more especially the regularity with which Mr. Addington, the Under Secretary for the Foreign Office, is sure to transmit every despatch of importance to the Chief Secretary—that the despatch in question should have arrived on the 22nd, and not have been read until the 24th of May. However, Lord Malmesbury, not having seen the despatch until the 24th, it would, I think, have been better for him to have remained satisfied with what he had already done, and not have receded from the decision at which he had arrived; instead of which his Lordship wrote another despatch, reopening the whole question, and desiring Sir H. Bulwer to leave Florence and break off all communication with the Tuscan Government unless it should make what was deemed sufficient reparation. He says—

> "Should you find the Tuscan Government absolutely resolved not to agree to the sum named to Mr. Scarlett as the minimum which Her Majesty's Government would consent to accept, you are at liberty to refer the amount to arbitration; but if the Tuscan Government should be so ill-advised as to refuse all payment whatever, you will then inform the Tuscan Government that Her Majesty's Government can no longer recommend Her Majesty to allow Her representative to sanction an act of such great injustice by his presence at Florence, and you will close Her Majesty's mission at that Court. You will also state to the Tuscan Government that ulterior measures will be adopted by Her Majesty's Government to obtain redress.

It appears to me that the character of the transaction is not improved by desiring Sir H. Bulwer to leave Florence. The only consequence of this proceeding will be, that British subjects, residents and travellers in Florence, will not have an able and intelligent Minister there to protect them. After the manner in which this transaction has been managed, I really cannot see what can now be done. This is not the only case that has occurred. I received a letter to-day from a gentleman, saying that he had some time ago been seized by a Continental Government, and thrown into prison for twenty-four hours. He states that his case was taken up by the noble Lord the Member for Tiverton, and subsequently by Lord Granville, who remonstrated with the offending Government, but that the present Secretary for Foreign Affairs had taken no notice of the matter. The only advice I can give this gentleman—and I take the opportunity of giving it him thus publicly—is not to ask the present Government to interfere in his case at all. If he has a good grievance to complain of, I recommend him to follow the example of the great Captain Gonzales de Cordova in a similar position, who, when his sovereign wanted to pacify him by a gift of the city of Lucca, told His Majesty that he liked his grievance better than the city. The gentleman aggrieved at Berlin had better be content with his grievance than seek any redress through his own Government. As far as Mr. Mather is concerned, the result to him is the offer of a thousand *francisconi*, which he rejected with disdain; in addition to which his character as a man of independence and disinterestedness has been blasted by the interference of our Government. All I can say on the subject is, that I will not take the course which Lord Derby did when he saw reason to censure the conduct of the late Government in regard to the affairs of Greece, but I will content myself with protesting against what has been done in Mr. Mather's case in terms similar to those which his Lordship then employed. Lord Derby said on that occasion—

> "Surely it becomes the British Legislature to step forward and say that the Foreign Office of England is not England—that the high-minded, generous feeling, of this great people is opposed to measures such as have been taken by the Government of the country—that we separate our actions from theirs—our feelings from theirs—our views of justice and good faith from theirs."—[3 *Hansard*, cxi. 1331-2.]

So, Sir, I say I separate my feelings, my notions of justice and good faith, from the conduct the Government have pursued in this transaction. I beg leave to enter my protest against the conduct which seems to have degraded the Government in the eyes of all Europe; it could not degrade this country, because this country takes better and higher views than the Government of what is due to our national character. Sir, I trust, however, this will be recollected before the Government interfere again to obtain redress for a British subject—I trust it will be recollected that in the present state of the Continent of Europe, this is almost the only country where there can be a free expression of opinion—where a free press can speak, and free discussion can take place, and where the discussions of the Legislature can fairly make themselves felt; because, although the forms of constitutional government exist in several States of Europe, those forms are in some cases so perverted, while other countries in which they are not perverted, and where real liberty exists, are so small and so dependent on their more powerful neighbours, that no bold and loud expression of public opinion can take place in them. No such addresses as are delivered in our Legislature, and no such publications as that which, to his immortal honour, the right hon. Member for the University of Oxford (Mr. Gladstone) issued from the press last year, can be made or put forth in any other country of Europe. Sir, if all this be the case, it more especially behoves us to keep our character unhurt and our honour untarnished. It becomes us, if we have occasion to ask for redress from a foreign Government, to proceed mildly and with temper; but, at the same time, to insist on that which we really think due to us. It would be an inestimable loss, not to this country alone, but to all the world, if our character as a great and independent nation should be in any degree lessened or impaired. I trust, therefore, that before the noble Lord at the head of the Foreign Office again writes such despatches as these, he will consider how great is the charge that has been entrusted to him, and that he will not lightly commit the great interests and the high character of this nation by heedless expressions.

I gave notice that when I should make these observations on Mr. Mather's case, I would also call the attention of the House to the present state of public business, and I will now proceed to do so as shortly as I can. The House will recollect that immediately after the accession to office of the present Government, those who sat on this side of the House, having heard declarations from the present Government that they could not bring forward measures which they considered were essential to be brought forward to repair in some respect the ruin which the measure of 1846 and the subsequent commercial policy had inflicted on the country, in the present Parliament, but would look to the next Parliament with the view of submitting to it measures by which the alleged calamity and ruin might be repaired, we on this side of the House contended if no measures which Government thought essential to the prosperity of this great country were submitted to Parliament, we thought in the first place it behoved us to make the Session as short as was consistent with the course of needful public business; and next, that Government should declare the nature of their policy. Sir, I cannot say with regard to the first of these demands we have obtained full satisfaction, but at least there was some admission as to the intention of Government going through the regular Session, and summoning Parliament again at the beginning of next year; and it then appeared to me and other hon. Gentleman, that, the principle conceded, none but necessary measures should be proceeded with, and that before the Parliament closed, the intentions and measures considered necessary should be submitted to us. So far as this first request is concerned, we did not obtain immediately what we desired, but we made no further objection to certain measures Government proposed being carried into effect. But with respect to the second question, our expectations, I must say, have been totally and entirely disappointed. We asked Ministers to do what had been done by other Ministers under similar circumstances. If we referred to the dissolution of the Government of Lord Grey, in 1832, we should find that the reform measure was before Parliament, and that a dissolution took place on that question. When Sir Robert Peel advised a dissolution in 1834, he issued a statement of his opinions—a clear and explicit statement as to his course of policy, and one of the principles laid down being inconsistent with the vote which had been arrived at, the Government resigned office. Again, when Lord Melbourne advised a dissolution in 1841, he declared what measures of commercial policy he should propose, and the country having refused its confidence any longer, he resigned. But the present Government from the first minute they took office to the present day, so far from publicly announcing and declaring their policy, seem only studious to conceal what their intentions and policy are. With regard to the question respecting which for six years they have agitated the country—the great question of the abolition of the corn laws—in the beginning of February this year we were told by the noble Earl at the head of the Government, then in opposition, that it was, in his opinion, desirable to impose a duty on the importation of foreign corn. When the noble Earl came into office, the right hon. Gentleman opposite (the Chancellor of the Exchequer) said it was most desirable that some such measure should be passed. But by degrees it began to be understood that this desirable measure was to be abandoned; but, at the same time, we were left as much in the dark as before as to the precise course which was to be taken. What we and the country, generally, desire to know, is not so much the particular measures to be proposed, as the spirit in which they are to be framed. Sir, it appears to me that the clear question to be put to Government ought to be the question, What are the precise and practical measures you mean to propose? Do you, or do you not, adopt the financial and commercial policy which was established in 1842, and which was continued until now? Is the policy of the last ten years beneficial to the country; ought it to be followed and adhered to, and care taken that it shall not be abrogated? Ought that policy to be your guide, as it had been the guide of the Ministry of Sir Robert Peel, and the Ministry lately displaced? Or is that policy injurious, mischievous, and will the injurious effects be averted by alteration? Now, Sir, to these questions the House and the country never have had anything like an answer. At one time I was deluded into the belief this step would be taken when the right hon. Gentleman the Chancellor of the Exchequer made his able speech on opening the Budget; for we on this side of the House looked upon it as conclusive in favour of a free-trade policy, and we believed that thenceforward that policy would be the rule of our proceedings. Everybody here was delighted with the Chancellor of the Exchequer's speech, and no one thought of taunting the right hon. Gentleman, or any of his Colleagues, with inconsistency. The right hon. Gentleman, however, found a critic, a commentator, and an adversary; and who was he? He appeared at the Mansion House in the person of the First Lord of the Treasury. That was the scene which Lord Derby chose for criticising his Chancellor of the Exchequer. The noble Earl pointed out a great omission in his Colleague's address, and supplied it by something, not as lucid and conclusive as the Chancellor of the Exchequer's statement, but by something that was eminently obscure and ambiguous. This was certainly a novel proceeding. As a Member for London, I have often had occasion to dine in the City, but it never occurred to me to avail myself of any of those opportunities to answer my own Chancellor of the Exchequer. Well, we have not had, either from the noble Lord or the right hon. Gentleman, any clear explanation of their policy; but we have had explanations from members and supporters of the Government. The right hon. Gentleman the Chancellor of the Duchy of Lancaster spoke out; and the hon. and learned Solicitor General, in his speech, reviewed the policy of the last ten years, and both declared themselves anxious to reverse our existing commercial policy. A number of Gentlemen had gone down to constituencies as the professed supporters of Government. One of these hon. Gentlemen said he wished, above all things, to see a new corn law imposed. The address of the hon. Gentleman to the Maidstone electors stated that the hon. Gentleman rejoiced to say that at that moment no Government had a chance of imposing a tax upon bread, or that by any change in the commercial policy cheap bread should be taken from the people. I am told by an hon. Gentleman near me that an hon. Gentleman—a delegate, as he is called—who addressed the electors of Greenwich, marched about with a big loaf before him, declaring that he was for the Government that gave a large loaf and cheap bread; that, at least, seems free from ambiguity. At the same time it did seem we got something like light when the right hon. Gentleman the Chancellor of the Exchequer addressed his constituents, and told them that the time for restoring the protective duties of 1846 had gone by; that the spirit of the age was opposed to such a course of policy; and that no Minister could safely oppose the advancing spirit of the age. This was a wise maxim, and the only thing which astonishes me is, that this light has been so long in reaching the right hon. Gentleman. The question was raised at the general election of 1847. Since then it has undergone repeated discussions in Parliament, and it has been obvious to nineteen persons out of twenty, for the last three or four years, that the time for the reimposition of the corn laws was gone. It seems, however, that the Chancellor of the Exchequer did not make this discovery until the other day. What the Chancellor of the Exchequer says besides in his address is not very reassuring. He tells his constituents that the rent of land has diminished no less than 5,000,000*l.* a year, as appears by the returns of the Property Tax. I will not stop to inquire whether that circumstance is attributable to the cause to which the Chancellor of the Exchequer refers it; but if the right hon. Gentleman puts that forward as a ground for giving the landowners compensation, by imposing general burdens on the rest of the community, I can only say the idea is preposterous. The case appears to be this: Some person—say Lord Derby—had an estate of 5,000*l.* a year, which was claimed by the parish from which it had been derived. The inhabitants say, "This 5,000*l.* a year belongs to the parish, for the use of the inhabitants, and not you." The case is heard and decided by the Lord Chancellor, and goes to the House of Lords, who decide with the Lord Chancellor that the 5,000*l.* a year was intended for the whole of the inhabitants of the parish, and must be given back to the whole of the inhabitants. If Lord Derby had any such estate, and discovered that it was claimed in this way, and that he must submit to the award, how much would the Lord Chancellor be surprised if Lord Derby should say, "You must find means to restore to me the value of this 5,000*l.* a year, which belonged to the poor of the parish." Be it observed that the corn laws were never defended by any man of sense on the ground that they should give an additional income to the landed proprietor. The grounds taken by the advocates of these laws were, that it was for the advantage of the country—that the country would have its supply of food within itself, and should be independent of foreigners for their supply of food. But, in addition to the national advantage, undoubtedly the landed proprietor might take a benefit by the corn laws; but the principal reason in favour of the corn laws was the advantage in the end, and the benefit they must confer on the country. The nation now being of opinion that this was a fallacy, and that it is unnecessary to continue the laws, there is no pretence for saying that compensation ought to be given to the landowners. Speaking of the interest of the landlords themselves, I am of opinion that nothing would be more injurious than for them to defend the corn laws, not as a national benefit, but as imposed for their own benefit. They were told by the right hon.

Gentleman that there was to be a revision of taxation, and that the burdens would be adjusted so as to benefit the farmers. I am afraid that will not give satisfaction to the farmers, after what has been constantly said by the Duke of Richmond—"Get in Lord Derby—get him into office, and you will get back protection." Such language had been constantly held—they said, "Only get Lord Derby in for Minister—only get rid of the free-trade Ministry—have a dissolution and you will get protection back. Do not carry out any improvements on your farm—do not lay out money for drainage—the only way to get rich is to turn out the free-trade Ministry." That was the language of the Duke of Richmond, endorsed, he must say, by the noble Earl at the head of the Government. After these promises it will be but little consolation to the farmers to be told that a chance of lightening burdens "looms in the future." With respect to benefit from revised taxation, I should say that the farmers, from the experience of the past, ought to be able to understand the policy which must surely lighten their burdens. That the political system begun in 1842, and continued to this time, without any new system of policy, without any new invention, had lightened the burdens without injury to the Exchequer, the right hon. Gentleman the Chancellor of the Exchequer gave a striking instance. He said with regard to sugar duties last year, though 300,000*l.* had been taken off the country, the loss of the Exchequer was only 300*l.* I recollect that was said in the right hon. Gentleman's statement; and can there be a better proof of the advantages of the policy, and the propriety of going on with it? All I beg now to say is, that I hope after the farmers have been deceived for the last four years about protection being restored, that they will not allow themselves to be again deceived by the promise of measures which are to give them prosperity—which indeed is really to be attained by no other means than by the exercise of their skill and industry. Well, then, with regard to the measures for which Her Majesty's Ministers claim credit—what they have done, and what they propose to do. I will say with regard to what they have done, that with the exception of the Militia Bill, which is entirely their own, and which I willingly resign to them, they derive all the credit from the measures of the last Government. Some of those measures are of importance, and I think likely to be carried. Of these, Chancery reform was one of the most important. That was no party question. I am far from asking credit for it as a party measure; but a Commission having been instituted by the late Government, made their report upon the subject, and it was announced in the Queen's Speech that on that subject a measure would be introduced. The Government introduced a Bill, but even at the last moment there were clauses in it so objectionable that my right hon. Friend the Member for Ripon (Sir James Graham), who belonged to the Commission, had to insist on the report of the Commissioners being carried into effect in order to make it a good and useful measure. While other pressing measures were passed over, Government made, with respect to one measure, not immediately under discussion, a dangerous proposition. It had reference to education in Ireland. The plan of mixed education settled by Her Majesty's Government had given general satisfaction; but the present Government were no sooner in office than they said they would make a change with respect to the system of mixed education, and do a favour to the Established Church by which the Established Church might obtain a portion of the grant. I cannot conceive anything more dangerous for Ireland than this, for it was admitted by Lord Derby himself and the Bishop of Ossory, at a meeting of the Church Education Society, that if you grant separate sums in order to have children educated and taught the Scriptures according to the Authorised Version, you must, as said by the right hon. Gentleman opposite, at the same time give the same advantage to the Roman Catholics. And I observe that those who belong to the Roman Catholic community, who are most opposed to the mixed education, are quite ready to meet you on that subject. I have seen to-day, in an address published by the Catholic Defence Association, these words: "Catholics of Ireland, do you especially trust no man who is not distinctly and explicitly in favour of Catholic education for Catholics, Protestant education for Protestants." If you give way to the Protestants in this case, you must give way to that demand, instead of having the mixed education established by Lord Derby himself, and so highly creditable and honourable to him, but which he is now ready to forego. Supposing, however, you adopt this principle, are there no other questions raised thereby? You now give 150,000*l.* for education; and it will be impossible to give more than 30,000*l.*, or perhaps 50,000*l.*, to the Established Church for that object. You will then be giving 100,000*l.* for exclusively Catholic schools. But that will come to be another Maynooth question. If you give 100,000*l.* for educating children in the Roman Catholic faith, will there not be as much objection to that as there now is to the 26,000*l.* which you pay to Maynooth? See the danger of raising a question that was settled. For twenty years you have gone on without disturbance, and you might have so gone on still, but for what has been said by the present Government, which has unsettled the question, and once more tossed it up into the air. Then it appears they are not satisfied with disturbing education in Ireland—they are disturbing also the plan of education adopted in England. I have seen what I wish I had seen six weeks ago—for the vote for education was only taken a week ago—I have seen it stated that the Government have made up their minds to do that which they say they have always been anxious and earnestly desirous to do—to do justice to the Church of England in the matter of education, as they thought there was undue restriction upon the Church in that matter. Then why should not the Minute containing this announcement have been introduced before the vote for education was agreed to? They must know that this question produces, and will produce, the greatest excitement. They must know that the condition of the National Society is now such that many persons wish there should be an alteration in the charter of that society. Surely that was a question to be kept, at least, in abeyance. Or, if they were determined to make an alteration, they should have made it some time ago, though the better course, I think, would have been, not to take it up at all till they had found time to look into the whole question. Then I must say that the Government have suffered from the mode in which they had themselves prepared to accept office in the present state of affairs. We all know that in the course of last year, when called upon to form a Government, they declared themselves incapable of doing so, because they were unable to find persons to fill the several offices of the Government. Soon after that it was publicly announced that they had made their dispositions, that they had the means of forming a Government, when called upon to do so; and the event showed this rumour to be perfectly true. A very eminent person accepted the office of Lord Chancellor, and several Gentlemen, pursuing the agreeable pursuits and easy business that belong to an English country gentleman, and which makes life so easy and agreeable, were ready to accept the troubles, the responsibilities, and the obloquy of office. So a Government was formed; but there was one thing they seem to have entirely forgotten, and that was, what were the principles and opinions upon which as a Government they were to act. They entirely lost sight of that which appears to me to be an essential preliminary, but which I suppose they thought trivial. They seem to have had no fixed opinions on any one subject. No sooner does any Gentleman start a subject, than the Government avow themselves quite ready to agree to his proposal. An hon. Gentleman opposite proposes to raise the question of Maynooth. That is another dangerous subject to meddle with; but no sooner is it brought forward than the Government exclaim—"We are quite ready to go into that question; we have, to be sure, not made up our minds what to do; we have no present intention of abolishing Maynooth, but we will leave Ireland to be disquieted till we make up our minds on the subject." Then Mr. George Denison says he wants an alteration of the management clauses in the system of education in England, and they exclaim, "With all our heart, let us have an alteration in that scheme." A party in the Irish Church come forward and say they wish a change in the mixed system of education in that country. "By all means, we are quite willing," is the answer of the Government. Indeed, all that seems necessary is that some Gentleman should start a crude notion upon any subject, in order to have the Government saying, "We have not made up our minds upon it, but we are quite ready nevertheless to go into the consideration of it." Why, here is a direct premium upon agitation. I have said that it was our object, after obtaining an assurance that Parliament would be dissolved as soon as possible, to get some explanations from the Government as to their policy. That explanation we certainly have not obtained; but we have obtained that which is quite sufficient; we have obtained enough to enable my right hon. Friend the Member for Ripon (Sir James Graham) to say that the question before you is, whether you have confidence in Lord Derby's Government, or whether you have not. I know that some people say my right hon. Friend is very unreasonable—that he is in the situation of *Sir Lucius O'Trigger* when he said to *Captain Absolute*, "I think we did differ in opinion," to which *Captain Absolute* replied, "That is a very odd thing, for I gave no opinion whatever." My right hon. Friend says he differs in opinion with the Government, and they say, "That is a very odd thing, for we have no opinions whatever." But, with great deference to them, in this country of England that is a good and sufficient reason for my right hon. Friend's distrust. This country will never be satisfied unless they have men ruling the country who have some principles and some opinions. It may seem to be a popular thing to say that the country has only by a majority to express an opinion in favour of a corn law, and that the corn laws will be reimposed; or that, if there is a majority against such a policy, then we shall have free trade. That may seem to be a popular declaration, and one likely to attract popular favour; but, depend upon it, it is not so. The people of this country would be better pleased to see men who had some opinions, and who were ready to bring questions clearly before them. Is the country likely to place its confidence in a Government that has no opinions, no principles, and which is ready to be guided by any wind that may rise into any port that is open for them?

Lord STANLEY: Sir, it is not a duty which devolves on me to vindicate the general conduct of the present Government from those grave and sweeping, though I must say most unfair and unfounded, charges, with which the noble Lord has thought fit to conclude the review of a Session which he may be excused for regarding with no particular complacency. In the subordinate post which I occupy, it is not my duty—it is not my privilege—officially to explain, or officially to defend, the measures of a Conservative Cabinet. But when a distinct and personal charge is made by the noble Lord, first, against the head of the Government, for differing, as the noble Lord alleged, in opinion from some of his principal Colleagues; and when the noble Lord goes on to make another personal charge against my noble Friend the Secretary for Foreign Affairs, of incapacity to conduct the business of his department (for the noble Lord's words implied nothing less), I am justified in saying that such charges come with the worst possible grace from the leader of a party which fell to pieces in consequence of no hostile assault, but solely and exclusively from its own internal weakness and disorganisation, from its incapacity to carry on the business of the country, and from the discussions which divided its leading Members. Sir, in turning from the general issue which the noble Lord has raised, to that more confined and merely departmental question with which alone I am entitled to deal, I have personally to solicit the indulgence of the House, not merely because I now for the first time rise, in a case of such magnitude and importance, charged with the defence of the Government—not merely because during by far the greater part of the transactions detailed in these papers I was absent in a distant country, insomuch that most of the letters contained in that volume from which the noble Lord quoted have been seen by me only in their printed form; but I ask it because I cannot help perceiving, that from the very first moment when this subject was brought before Parliament and the public, even down to the present time, there has prevailed upon it a degree of prejudice (I mean prejudice in its most literal sense—a prejudging of the question—an amount of misapprehension, and even actual misstatement of facts, to which in my brief political experience, I can recollect no parallel. The noble Lord began his address by stating that two different stories, resting upon separate and independent testimony, and mutually contradictory the one of the other, had gone forth with regard to the outrage committed upon Mr. Mather; and he observed that my noble Friend the Secretary for Foreign Affairs, instead of adopting either the one or the other of these statements, had appeared to admit the accuracy of both, opposite and incompatible as they were, and had, in fact, mixed them up into one. Now, I think that if hon. Gentlemen will look into the volume from which the noble Lord has quoted, they will see that the discrepancy to which he alludes entirely vanishes. Lord Malmesbury, it is true, states in one place, that the outrage was accidental, and in another place he spoke of it as "brutal and unprovoked;" but this apparent discrepancy disappears on looking more closely at the connexion of these statements. There are two ways of looking at the question: one is with reference to the Government, and the other is with reference to the individual outrage. I can quite understand that my noble Friend used the word "accidental" as applied to this country and the Government: he said—and his opinion is justified by the evidence before us—that the outrage had nothing to do with any intended insult to the national character. Now, I believe that if hon. Gentlemen will give themselves the trouble to look into the volume from which the noble Lord quoted—and I need not remind the House that mere quotation of extracts prove nothing at all—I say that if hon. Gentlemen will give themselves the trouble to look into the volume itself, they will see that the discrepancy which the noble Lord alleges to have existed, will vanish altogether. It is true that Lord Malmesbury speaks, in some instances, of the outrage on Mr. Mather as having been accidental, and that, in other places, he speaks of it as one of a brutal and unprovoked character. What is the mode of reconciling this apparent discrepancy? It is this. There are two ways of viewing the question; the one in reference to the Government, and the other in reference to the individual. I cannot think it surprising that my noble Friend should have spoken of the transaction as an outrage as far as regarded Mr. Mather personally; and when he referred to it as being accidental, I believe he used that expression for the purpose of showing that, in his opinion, the outrage had nothing of a national character—I believe he meant to imply that it was not a studied and premeditated insult to England, and that it was so far an accident that it arose out of a sudden occurrence which no one could foresee, and out of the hasty and blameable conduct of a single individual. Now, using the word in that sense, in which my noble Friend certainly did use it, I say that it was a perfectly fair and natural expression, but that does not prevent its being equally true that as regards the individual who committed the outrage it was as brutal and as unprovoked an attack as any which has ever been perpetrated upon a British subject. The noble Lord likewise complained—at least I understood him to speak in the language of complaint on the subject—the noble Lord complained that immediate reparation had not been demanded in the case of Her Majesty's Government, but that the case had been submitted to a Tuscan tribunal. [Lord JOHN RUSSELL: No!] The noble Lord at least, as I understand him, spoke of that court as being one which afforded no facilities for eliciting the truth. Now, I do not for one moment pretend that a tribunal, sitting in secret, can be as safe and as trustworthy a means of eliciting the facts of a case as one of which the proceedings are conducted according to our English mode. But I must say, that looking not at the construction of the tribunal, but at the result of the inquiry which took place before it—I am bound to admit that that tribunal appears to have done its duty as fairly and as impartially as could under the circumstances have been expected. I believe it is impossible for any one to read the mass of testimony brought forward before that court of inquiry—testimony undoubtedly kept secret at the time, but which was subsequently published to the world—I say I believe it is impossible to look at that testimony without seeing that the other version of the case which was given in evidence before the Austrian court-martial was utterly unfounded in truth.

LORD JOHN RUSSELL: I said nothing against that Commission of Inquiry.

LORD STANLEY resumed: The noble Lord undoubtedly alluded to it briefly, but he alluded to it as a tribunal from which justice was not to be expected. But then the noble Lord came to what is really the most material point in the case. He took up the case at the point where the tribunal of preliminary inquiry having substantiated the story of Mr. Mather, that tribunal and the Tuscan Government declared that their power was limited—that it stopped there—that they had elicited the facts, and that they could do nothing more. Two questions then arose for the consideration of the Minister at Florence and of the British Government. These questions were—first, from what party reparation for the outrage that had been committed was to be sought? and, secondly, what should be the nature of that reparation? Now, I must say, that I look upon the first question—namely, the question as to the party who was to be held responsible in the case, as even more important, if possible, than it was represented to be by the noble Lord. I look upon it, however, as important in a different point of view from that taken by the noble Lord. I look upon it in that light because the effect of the decision thereon pronounced in this particular case must be the establishment of a precedent applicable to all cases of a similar nature that might in future arise. Her Majesty's Government had ostensibly only to decide what was the best means of bringing an offender to justice, and of obtaining reparation for an injured British subject; but there was in point of fact involved in the case a grave question of international law, which related to the position of the auxiliary force of Austria in Tuscany. I need not say that if that force were acknowledged as possessing the right to act in Tuscany without any control on the part of the Tuscan Government, such a doctrine would involve the gravest consequences, and would possibly affect even the territorial integrity of Europe. And it will be seen, on referring to various parts of the papers which I hold in my hand, that such a right has actually been asserted, and that attempts were made to support it by adding what were alleged to be parallel cases. The first parallel which was adduced by the Tuscan Government when seeking to remove from themselves the responsibility in the case, and to throw it on the Austrian Government, was that of the occupation of France by the Allied Powers in the years 1814 and 1815. Now to that parallel it is sufficient to reply, that it cannot in any way be considered as a case in point; and for this reason, that every one knows that the occupation of France by the Allied Armies at the time referred to was a hostile occupation, and one not even professing to be friendly; while the Austrian force occupying Tuscany is stationed there with the consent and concurrence of the Tuscan Government. Then, again, it is stated that the French army in Spain, under the Duke of Angouleme, in the year 1823, which army had been sent there for the purpose of interfering in the internal affairs of that country—it is stated that that army was under its own officers exclusively, and was in no manner subject to the Spanish tribunals. I think it must in fairness be admitted, that we have here an historical precedent which, so far as it goes, is in point; but I do not believe that that peculiar, and anomalous, and most dangerous state of things was ever admitted or recognised by the other European Powers. There is a third case adduced, which is, if possible, even less applicable as a parallel to the relative position of Austria and Tuscany than either of the other two. It was one of the arguments employed against the English representative, that if in the territory of the Nizam, in India, where there is a large British auxiliary force, officered by British commanders, and maintained by the British Government, although at the expense of the inhabitants of the country—it was argued that if in that country one of those British officers so circumstanced had insulted or injured some foreigner, reparation would undoubtedly be sought, not from the native prince, who had no power of controlling those officers, but from the British Government, to whom alone they were responsible. Now, that is a very fair and accurate statement of the law; but I must remark that, as a precedent, it fails in just the most important particular; because the State of the Nizam has not, and by treaties entered into with us cannot have, any external relations. It is independent in its internal affairs, but in its internal affairs only, and with regard to all foreign affairs it is absolutely dependent. It appears, therefore, that of these three precedents, which were alleged for the purpose of removing the responsibility from Tuscany and throwing it upon Austria, two are, in fact, no precedents at all; while the third is admitted to be an anomalous and exceptional case, not recognised by the European Powers. But there was one precedent which was brought forward by the British Minister, and which, I really think, is of far more value than any which has been adduced upon the other side: I refer to the position which our own army occupied in the Peninsula under the Duke of Wellington. It should be remembered that that army was quartered there during a time of actual war—a time when the country was greatly disturbed, and when the legal tribunals could not be expected to act with all the regularity which might be desired; and yet, even under these circumstances, so strongly were the British Government and the chiefs of the British Army impressed with the danger of destroying the responsibility of the native tribunals that our army was actually made amenable to those tribunals. and remained so during the war. Suppose we had taken the opposite course; suppose Her Majesty's Government had said to the Government of Tuscany, "We admit your excuse, we know you have no power to compel those officers to appear before your tribunals, and that being the case, we will go to the Austrian Government at once, and hold it responsible in the matter." That is the course which the noble Lord recommended.

LORD JOHN RUSSELL: I said that both Governments were responsible.

LORD STANLEY continued: But the noble Lord stated, and I think we have Lord Granville's assurance to the same effect, that the Government of the noble Lord intended to apply to Tuscany in the first instance, and that if they failed in obtaining reparation from Tuscany, as they must have done, they would then have been prepared to go to Austria, and to hold Austria responsible. But what would have been the results of that course? The noble Lord professes to dread any increase in the influence of despotic Governments in Europe. But the noble Lord and his Colleague would have taken the very course most calculated to increase the power of these despotic Governments. The noble Lord would have recognised that which we objected and refused to recognise from the first—the absolute military occupation of Tuscany by the Austrian troops. I say that the noble Lord who professes so much jealousy of the increasing influence of despotic Powers—who professes himself, and I dare say, justly, to be a warm advocate of liberal government throughout Europe—I say that the noble Lord has acted in a very extraordinary and inconsistent manner in recommending such a step. Again, turning to another part of the question, it must not be forgotten by the House, that whatever may be thought of the nature of the trial, and of the justice and impartiality of the tribunal before which the officer was brought—it could not be denied that he had been tried by a court comprised in accordance with the laws of his country, and that by that court he had been acquitted. [Sir A. COCKBURN gave marks of dissent.] I will not enter into a legal controversy with the hon. and learned Gentleman; but I imagine that a court-martial was the regular and legal tribunal to try military officers. I believe it would have been impossible, under the circumstances, to bring an Austrian officer before any other tribunal. Under these circumstances, and admitting, for argument sake, that the Austrian Government was to be held responsible instead of the Tuscan, I think there could be hardly a more difficult question for diplomatists and Cabinets than to say what is the course which a Government ought to take when one of its subjects has been injured and insulted in a foreign country, and when the person who has committed the injury or the insult has been brought to trial according to the legal forms of that country, but has been acquitted, on that trial manifestly in defiance of all law and justice. I say that I can hardly conceive anything more difficult than to say to what extent a foreign Government is justified in interfering in such a case. In considering that question, I dare say there is one instance which will recur to every one's mind. I do not mean to adduce it as an exact parallel; but I will suppose a case for the purpose of elucidating the point to which I am now referring. It is well known that a gross and unprovoked act of violence was committed in this country some time since on a distinguished subject of Austria. I will put an imaginary case. I will suppose that that person, having been so injured and insulted at a time when there existed among certain classes in this country a very strong prejudice against him personally, arising out of political feeling, I will suppose that he prosecuted the offenders in a court of justice, and that, acting under the influence of that prejudice to which I have referred, a jury had returned a verdict of "not guilty," in defiance of law and of the evidence in the case. I believe that in such a case it would not have been in the power of the British Government to do anything except that which the Austrian Government have done in the present instance—namely, to express their regret at the occurrence. I am sure that no Government, either constitutional or despotic, could take upon themselves the responsibility of punishing a person after he had been once tried and acquitted according to the laws of his country. I mention this as a further difficulty which must have been overcome if Her Majesty's Government had determined on making Austria responsible in this case, independently of that more general question which I have already discussed, the question how far they could, without violating a great international principle, admit that, in the Tuscan territory, an Austrian officer serving the Tuscan Government should be held responsible to no Government except that of his own country. Another point to which the noble Lord referred was the nature of the reparation to be exacted in the case. And here I must advert to the statement of the noble Lord that the character of Mr. Mather has been damaged by the language held by my noble Friend at the head of the Foreign Office, with respect to the nature and amount of Mr. Mather's claim—language of which, according to the noble Lord, the object was to injure Mr. Mather's character.

Lord JOHN RUSSELL: Not the object.

Lord STANLEY continued: That was certainly implied in the words of the noble Lord. But we will say that in his opinion the result, at least, of the language employed by my noble Friend was to damage the character of Mr. Mather. Now I do not think that has been the case. If it had been, I am sure the Government ought to take the earliest opportunity of fully and frankly bearing their testimony to the conduct and character of that gentleman. Throughout this whole transaction Mr. Mather suffered much pain, anxiety, and annoyance; and even if, acting as he did, sometimes with a partial knowledge of what took place, and sometimes under the influence of feelings naturally excited—even if, under these circumstances, he did not always do justice to the conduct of the Government, that is no reason why the Government should not do justice to him. I do not think there is anything at all reprehensible in the conduct or the demands of Mr. Mather. I admit fully the difficult position in which that gentleman was placed by the demand made on him that he should name the amount of his own compensation. But I think that upon that point there was, on Mr. Mather's part, something of a misunderstanding. Mr. Mather evidently took the national view of the question—that an Englishman had been insulted—that it was a premeditated insult on the part of a foreign Government, and that on that foreign Government a fine should be inflicted—I will not say proportionate to the insult, for it is difficult to measure the extent of an insult, but—sufficient to express the indignant sense of injury on the part of the British Government. I dare say—I am willing to believe—that was the view which Mr. Mather took of the transaction, and in that case I do not think there is anything unreasonable or exorbitant in his demand of 5,000*l.* But supposing there had been no premeditated injury in the case—supposing there had been no intended insult, merely as it affected the individual concerned in it, that individual having in consequence only the right to claim the amount of damages to which a native of the country would, under the same circumstances, have been entitled, then I say that a demand of 5,000*l.* was an unreasonable one, and that such a sum was far beyond what could have been expected. The noble Lord commented—and commented, I cannot help thinking, a little unfairly—on the various sums which were named at various times. In one respect I must take the liberty of setting the noble Lord right. He stated distinctly and positively that Mr. Scarlett had received no order to take 500*l.*, and nothing less, but that his orders were to get 500*l.* if he could; and if not, that he was authorised to accept a smaller sum: and he tried to represent Mr. Scarlett as having suffered ill usage, in that a large discretion had at first been left him, and that he had subsequently, as the noble Lord made it appear, been disavowed for having used that discretion to the best of his judgment. Now Mr. Scarlett had himself stated, in one of the papers before the House, "If I treat the Mather question by itself," which his instructions strictly enjoined him to do, "my instructions absolutely prevent me from consenting to any *minimum* but that of 500*l.* sterling, as I had the honour of announcing to you in our yesterday's conversation." [*Mr. Scarlett to the Duke of Casigliano, May* 6, 1852.] I do not wish to say one word that can be considered harsh or unjust to Mr. Scarlett, and I will only repeat what is already stated in these papers, that Mr. Scarlett was suffering at the time under an illness from which he has not yet recovered, and which at the time seriously endangered his life. If under those circumstances Mr. Scarlett committed an error of judgment, that was an error which ought to be dealt with as leniently as possible. But the real question—and here is the point which the noble Lord seems to avoid—with reference to which Mr. Scarlett was disavowed, was, not that he had taken 222*l.* instead of 500*l.*—not that he had consented to accept, as part of the bargain, the immediate liberation of two political prisoners, whose release had been, indeed, previously promised—not for one or other of these deviations from his instructions, but he was disavowed because he had expressly and in contravention of his instructions, disclaimed that principle which it was the great object of Lord Malmesbury and the Government to assert—the responsibility of the Tuscan Government, in such a case as the one under consideration. [Lord J. RUSSELL: Where is that?] It was stated in one of the despatches—

> "Although Her Majesty's Government were willing to consider that Mr. Scarlett, under a combination of difficulties, acted to the best of his judgment when he agreed to receive a sum so much smaller than the *minimum* which his instructions permitted him to accept, and under that impression informed you, on the 21st inst., that they recognised his act, it is impossible for Her Majesty's Government to sanction the renunciation of so important a principle as that which Mr. Scarlett now appears to have surrendered, and still less to admit that a British subject cruelly injured on Tuscan territory is indebted to the charity of the Grand Duke for that protection and compensation which he has a right to claim from justice and international law."

LORD JOHN RUSSELL: Mr. Scarlett does not say that.

LORD STANLEY: No; but Lord Malmesbury does. That despatch was sent from the Foreign Office to Sir H. Bulwer on the 29th May. I am endeavouring to show that Mr. Scarlett was not disavowed for taking 222*l.* instead of 500*l.*, or for accepting in a most unusual way, as part of the bargain, the release of two political prisoners, but for expressly surrendering that important principle of international law which it was our main object throughout the whole negotiation to establish. I have now gone through in succession the principal points which were touched upon by the noble Lord: and I will no longer detain the House from the larger and more general issue which has been raised. But this I will say, that searching carefully, and inquiring minutely, I have looked in vain through the record of this negotiation contained in the published correspondence—I have sought in vain in every detail of these transactions with which I had it in my power to make myself acquainted—for one act, for one word, or one sentiment, on the part of my noble Friend or of the Government, which could be held unworthy of an English Minister, or derogatory to the honour of the Crown. Strong in this conviction, and satisfied that nothing more is required for the justification of the Government than a full and fair perusal of the evidence adduced, I leave this case confidently and without fear of the result to the decision of Parliament and of the country.

MR. BERNAL OSBORNE said, he was one of those who lamented the course taken by the noble Lord the Member for London, because, if ever there was a question which ought to be brought forward and considered separately on its merits, without the general imbecility of the present Government being mixed up with it, it was the case of Mr. Mather, and the conduct of the noble Lord whom the country had the misfortune to see installed in the Foreign Office. It appeared to him that that question had been diluted by going into extraneous topics relative to the shuffling of Her Majesty's Government, which was at present patent to the whole country. He would ask the House, putting aside all party feeling, whether it ever heard a statement so lame and impotent as that made by the Under Secretary for Foreign Affairs (Lord Stanley)? The noble Under Secretary had said that that House was not easily convinced; but would the country be easily convinced that the department over which the Under Secretary did not preside—and he (Mr. Osborne) lamented that, because he thought the noble Lord's hereditary spirit would at least impel him to conduct the affairs of the country better than the Earl of Malmesbury—had treated this case with common decency or propriety? The noble Under Secretary had referred to our expedition to Portugal; but he was bound to have told the House that the convention by which the Austrian troops had possession of Tuscany was peculiar in every respect, and such as had never been entered into by one independent State with another. When the Grand Duke was restored, in 1848, by the intervention of the Austrians, a convention was entered into, to the effect that 8,000 Austrian troops were to march into Tuscany and take possession of the country, and were not to be amenable to any Tuscan tribunal, but solely to the Austrian Minister of War. There was also a remarkable stipulation, that those troops were not to leave the country without the mutual consent of both Governments. Consequently, though the Tuscan Government might say that they no longer required the services of the Austrian troops, they could not be removed without the consent of the Austrian Government. The very head and front of Lord Malmesbury's offence was entering into this petty huckstering with the Tuscan Government, and not calling the Austrian Government at once to account for the insult. The noble Under Secretary had attempted to lead the House to believe that Mr. Mather was the person who first suggested the subject of pecuniary compensation; but the papers before the House showed that the suggestion of pecuniary compensation first appeared in a despatch of Mr. Scarlett to Lord Granville, who took a proper view of the case, inasmuch as he early displayed an intention, in case of any difficulty, to apply to the Austrian Government for reparation. From the papers it appeared that Lord Malmesbury asked Mr. Mather whether he wished the Government to go to war, which was a most monstrous expression for the Foreign Minister to use to a British subject. Lord Malmesbury then, in the true spirit of a pedlar, asked, "What will you take for your injury?" Lord Malmesbury, therefore, suggested pecuniary compensation—a suggestion which was accepted by Mr. Mather with pain and reluctance. But on Mr. Mather naming 5,000*l.*, for which he stated his reasons, Lord Malmesbury did not tell him that he considered the sum at which, considering the national character to be involved, he had fixed the compensation, to be an exorbitant sum; but, behind his back, and without giving him any information on the point, wrote a letter to Mr. Scarlett, designating this as an exorbitant demand, and naming 1,000*l.* as the sum for which a British subject might be cut down in the streets of Florence. Lord Malmesbury, in one of his despatches, stated that the sum named by Mr. Mather was exorbitant, but Mr. Scarlett would be able to judge "what can be got." If the noble Lord below him (Viscount Palmerston) had written such a despatch when he presided with distinction and honour over the Foreign Affairs of the country, what would have been said by the then Opposition? "A pecuniary compensation is at least tangible," said Lord Malmesbury to Mr. Scarlett; "you must hold firm language." Firm language, indeed, on the theme of "what can be got." That was in the true spirit of the peddling instinct which presided over the Foreign Office. That was on the 9th of March; but soon after, Lord Derby made his memorable speech at the Mansion House on the doctrine of compromise, and Lord Malmesbury, acting on that doctrine, wrote a very laconic despatch, in which he instructed Mr. Scarlett to "split the difference," and came down to 500*l.*, in a spirit which was worthy of the Board of Trade; and Mr. Scarlett endeavoured to come to some arrangement with the Tuscan Minister on that footing. The noble Lord, who said he did not know much of this matter—an assertion he was very ready to believe, for he doubted if he had read the whole of the papers—remarked that Mr. Mather's character had not been much damaged, though Lord Malmesbury had endeavoured to make it appear to the Tuscan Government that Mr. Mather had been the first to ask for a pecuniary compensation.

LORD STANLEY explained: He never intended to say that Mr. Mather's character might not have been damaged; but he said there was not the slightest intention to damage it on the part of the Government, and that Mr. Mather had borne testimony to the fair and candid way in which the noble Lord had acted towards him.

MR. BERNAL OSBORNE: If Mr. Mather was satisfied with such an apology at the eleventh hour, he was not the man he took him for. He said it was Mr. Mather who first suggested a pecuniary compensation; whereas it was clear Lord Malmesbury had proposed it; and he knew that the English at Florence had passed Mr. Mather by in contempt, under the impression that he had first put the question on the national honour, and then said he was ready to take 500*l.*, while Lord Malmesbury was ready to encourage that belief in the mind of foreigners, and of the Tuscan Government, that Mr. Mather had made an exorbitant demand. There was another matter which had never been explained to the House to this day—the case of Corporal Baggs; he believed that to be one of the worst insults ever offered to the British power. What security had we for the life or honour of a British subject, when Lord Malmesbury was ready to act in such a way? The boast of *Civis Romanus sum* was gone now—it seemed merely to ticket a man to be insulted with impunity. The greatest temper, knowledge of law, and firmness, were required for the office of Foreign Secretary; and he regretted the noble Lord the Member for Tiverton (Viscount Palmerston) had ever left his natural post, for no other man was able to take up the position with foreign Powers he had done; and if he had been at the Foreign Office, such disgraceful despatches would never have been written for the purpose of ascertaining what would be got from the Tuscan Government. That noble Lord would speedily have obtained reparation from the Austrian Government, who expected some demand to be made upon them. To show that the Austrian Government expected that a demand would be made for reparation, Prince Lichtenstein had, with the sanction of Marshal

Radetsky, put Baron de Karg, the officer who commenced the outrage, under arrest for a week. It was the Austrian Government they were bound to call upon to show Lieutenant Forsthüber was justified in his conduct; and if they failed to do so, then to demand some mark of regret for what had occurred; but the Austrians, so far from expressing contrition, had commended Lieutenant Forsthüber's conduct, and he was going about Florence as a sort of hero, as "as the man who had cut down the Englishman." ["No, no!"] Yes, he knew it to be the case; and it was said Lord Malmesbury had given Lieutenant Forsthüber "a step." The noble Lord was distinguished not so much by absolute incapacity as by great infirmity of purpose and great ignorance. He might have asked for the opinion and advice of the Queen's Advocate; but it did not appear that he had thought proper to do so, but went on with the pen of a ready but ungrammatical writer to suggest 1,000*l.* and then to split the difference; and up to this day the only person who had reason to feel proud, and of whom the country had reason to feel proud, was the father of Mr. Mather. What did the noble Lord the Member for Tiverton do in a somewhat similar case in 1847? When Mr. Russell, our Consul *pro tem.* at New Grenada, was assaulted and imprisoned, and had his papers taken from him, General Santander refused to grant any reparation until a British fleet appeared off the coast, and then Mr. Russell's papers were restored, and 1,000*l.* were paid to him as a compensation for the indignity he had sustained. Lord Malmesbury was bound for the credit of the country to have taken a higher tone, and ought to have insisted upon an inquiry by the Austrian authorities, instead of peddling with the Tuscan State. He was at a loss to know which was most culpable—the low views entertained by the Foreign Office, or the total mismanagement of Mr. Scarlett. The right hon. Gentleman the Chancellor of the Exchequer said a short time ago, in reply to a question as to the education of diplomatic servants, that none but men of classical attainments, and such as had been brought up at the Universities, would be admitted. [The CHANCELLOR of the EXCHEQUER: I never used such words at all.] Then the right hon. Gentleman had been grossly misrepresented; indeed, he was a man of too just a spirit to follow such views, and, to use a popular phrase just now, there was "looming in the distance" a chance that the right hon. Gentleman would break away from the very bad company about him. But as to Mr. Scarlett, he was on excellent visiting terms with Prince Lichtenstein and the Duke de Casigliano, but he was not fitted for the conduct of any serious business; and, as Mr. Mather said, he at first treated the case very coldly. He seriously impressed on the Chancellor of the Exchequer the expediency of sending Mr. Scarlett to some quiet place where there were no foreign troops, and to put Lord Malmesbury on the half-pay list, if there was such a thing at the Foreign Office. He regretted very much the question had been brought before the House in its present shape, and that he was prevented by the forms of the House from moving a direct vote of censure on Lord Malmesbury for trifling with the honour of the country, and for having disgraced us in the eyes of the whole Continent of Europe.

The MARQUESS of GRANBY: Sir, it is not my intention to enter into this part of the question that has been brought before us by the noble Lord the Member for London, or to make any remarks on Mr. Mather's case; but I am very desirous of making a few observations on the subject of the commercial policy which, for the last few years, has prevailed. And I am the more anxious to do so just now, inasmuch as an election is imminent, and I may not have another opportunity of addressing this House on the subject before that event shall have arrived. I must say that there never was a time when so many rash and reckless statements were made, of the advantages which, it is alleged, we have derived from the adoption of the commercial policy of 1846; and I really am anxious that the country should know what is its present position in a commercial point of view, in order that the people of this country may be able the better to decide whether that policy shall be maintained, or not. And I say that, if it can be shown that that policy has benefited the people of this country at large, it should in that case, be continued, and carried out gradually to its full extent; but if it has had, and will have, as I in my conscience believe it has and will, an evil effect on all classes in this country, then I say that that policy should be gradually modified, and eventually reversed. The noble Lord

(Lord John Russell), in the remarks he had addressed to the House on this subject, though he made a very violent attack on Her Majesty's Government, and said that they were desirous of concealing their opinion, yet he said very little as to his own opinions on the point—he did not tell the House whether he was prepared to carry that policy fully out—or that he was going to the hustings with a recommendation that the farmers should have justice, that the malt tax should be repealed, that he should be allowed to grow what crops he pleased, that all classes should be put on an equal footing under this policy, that all the protective duties still remaining on manufactures should be taken off, and that the 20,000,000*l.* of our customs, and the 13,000,000*l.* of our excise duties, should be swept away. On all these points the noble Lord was very careful to say nothing, and to say very little with regard to the present state of alleged prosperity in this country. The hon. Member for Gateshead (Mr. Hutt) put a notice on the paper, too, the other day, in which he declared the prosperity which the country derived from these free-trade measures; but, somehow or other, that Motion has never been made, and it now appears that that notice has been quietly withdrawn. The fact is, you are afraid of the case coming to argument—you are afraid to meet it—for you well know that your policy has failed, and you dare not meet the assertions that are made on the side opposed to you. I call upon you to point to any class in this country that can be said to be in a state of prosperity. I assert, in the first place—and the fact has been admitted by hon. Gentlemen opposite—that the agricultural interest is not in a prosperous condition. Are your colonies so? Is Jamaica—is Antigua—is Trinidad, or any one of those that are similarly situated, in a state of prosperity? It was only the other day that the noble Earl at the head of the Government presented a memorial from the clergy of all denominations in Jamaica, in which they stated that not only were the inhabitants of that colony not in a state of prosperity, but that they were actually relapsing into a state of barbarism, and this owing to your recent free-trade measures. Can Scotland be said to be in a state of prosperity when we see a Highland Emigration Fund advertised in the newspapers, and when we find the hardy Highlander unable to support himself in his own country, and ready to leave the land of his forefathers, and to seek in Australian climes that reward for his labour which is denied him in his native land? What is it that these Scottish emigrants want? Employment; and yet the things that you are daily bringing into the country under your present commercial system are the produce of foreign labour, and not the work of native hands. Look, again, at the state of the working-men of Spitalfields. These are not your agricultural labourers, or your farmers that I am referring to; and what do they say? They have passed but very recently a resolution, in which they state that they are painfully convinced that the distress that prevails among the operatives engaged in the silk manufacture is unprecedented in character—that their wages have been reduced 25 per cent since 1845, that one-half of the trade are unemployed—and they declare that it is the duty of the present Government to take steps for putting a stop to the existing system of reckless and unrestricted competition, by introducing a principle of external protection and of internal regulation. If, again, you turn to the shipping interests, are they in a state of prosperity? Is it not admitted that the British tonnage inwards has decreased since 1849, whilst the foreign tonnage has increased to an enormous extent? Is it not true, also, that British tonnage outwards has but slightly increased in comparison with the increase of foreign? Take the list of the number of ships and steamers built of late years, you will find that the number built in 1849 was 730; in 1850, 689; and in 1851 but 672. It was but the other night that the hon. Member for Shrewsbury (Mr. Slaney), who is not only a free-trader, but one who has the interests of the industrious classes deeply at heart, said in this House, that the labouring population in the agricultural districts had not advanced in comfort and independence, and he related the state in which the people were, even in the manufacturing districts, where the rate of mortality was from four to four and a half per cent, while in the agricultural it was but two per cent. What, interest then can they point to that is prosperous? Perhaps I may be told that the manufacturing interest is so; but I must be permitted to say that I much doubt the fact. You tell me that your exports and imports have inincreased, and I don't deny that they have; but if you will take the time and trouble to look a little deeper into the matter, I think you will see that the prosperity you lay claim to has not been in proportion to the increase of trade—that profits have not been increased, but have, on the contrary, diminished, and that your commerce is rather in a state of feverish excitement than of a healthy prosperity. We are told the large importations of corn are proofs of the advantage derived by the country from free trade; but an hon. Member now compelled to absent himself from the House owing to illness (Mr. G. F. Young), and whose place I have inadequately endeavoured to fill, has written a letter in which this point is set in the clearest light. The cereal produce imported last year was 9,618,026 quarters, of which 5,330,412 only were of wheat. In 1846 there were imported 2,344,142 quarters, which, deducted from the above, left an increase of 2,986,270 quarters only. But in Ireland there was a decreased production of 1,376,537 quarters last year as compared with 1847. In England we have no account of wheat grown; but, taking the return of wheat sold in 290 market towns, there was a decrease as compared with the year 1846, of no less than 1,471,921 quarters, which, deducted from the 2,986,270, leave only as increase 137,812 quarters; or, doubling it, as I have a right—as these towns do not include half the towns in which wheat is sold—a decrease of 1,334,109 quarters. I want to know what answer can be made to that statement; and if no answer has been, or as I firmly believe can be given, to it, I do hope that we shall hear no more of these assertions about the increased quantity of bread consumed by the people of this country. We were told, too, that if we took the corn of foreign countries, our exports to such countries would increase, and be taken in exchange for the corn imported; but what do I find are the results as regards Prussia, Russia, France, Holland, the four countries from which we import the largest quantity of wheat and flour? Why, our exports have not increased; they have diminished. I find that from Prussia, in 1846, we imported 832,731 quarters of wheat, and that while, in 1847, our exported goods to Prussia were of the value of 544,000*l.*, they tumbled down, in 1850, to 424,486; that from Russia, in 1846, we imported 638,000 quarters, and that our exports to Russia, in 1847, were 1,725,000*l.*, and that they fell, in 1850, to 1,454,771*l.*; that from France, in 1846, we imported 595,000 quarters, whilst our exports to France, which, in 1847, were to the amount of 2,715,926*l.*, fell, in 1850, to 2,401,956*l.*; and that from Holland, in 1846, we imported 277,000 quarters, while our exports to that country, which, in 1847, amounted to 3,576,469*l.*, fell, in 1850, to 3,542,632*l.*, showing that our exports to the four countries from which the great bulk of our corn is imported have absolutely diminished; and I may add that it has been to the United States and to the British East Indies to which the principal portion of our exports have been made; and the United States has rigidly maintained the principle of protection. Now, with reference to the condition of the working classes, we have heard much of their improved condition: it may be the case that they have benefited to some extent in some few districts; but, generally speaking, it has not been the case. I have letters here from gentlemen, clergymen, and others, who are intimately acquainted with the poorer classes of the community where I live. I won't trouble the House by reading them; but they state unequivocally their opinion that the condition of the agricultural labourers is worse than it was before the repeal of the corn laws. It was said that one of the great benefits which free trade would confer upon the poorer classes would be the cheapening of the cost of their articles of clothing. Now, Sir, I do not see the hon. Member for the West Riding (Mr. Cobden) in his place, and I am sorry for it, because I should wish to call his attention to the fact, that, although the poor get their gowns and their fustian jackets cheaper now than they did before the adoption of free trade, yet they have to buy infinitely worse materials now, which do not last nearly so long as did those that were purchased under the protective system. Two of their present gowns won't last as long as one of the old ones, therefore this promised advantage as to the cheapening of the cost of clothing by free trade proves to be altogether chimerical. The poor generally prefer higher wages and dearer provision and clothing to their present wages and the present price of food and clothing. Now there are four tests by which I wish to try free trade, and I think that you will admit that they are tests of very great importance in helping us to come to a right conclusion upon the subject. I refer to the poor-laws, to emigration, to the amount of crime, and to the deposits in the savings banks. Now, the amount of money paid for the support of the poor in England and Wales, in the first three years after the adoption of free trade, 1845, 1846, and 1847, was 20,556,454*l*., and in the last three years, 1849, 1850, and 1851, it had increased to 21,696,553*l*. Then I go to Ireland, and find that the sum paid there for the relief of the poor during 1845, 1846, and 1847, was 1,317,925*l*., but during the last three years it has increased to 1,555,000*l*. Then, with regard to crime in England and Wales, Scotland and Ireland, the following were the results shown in each year respectively:—

	England and Wales.	Scotland.	Ireland.
1844	18,919	3,575	8,042
1845	17,402	3,537	7,101
1846	18,144	4,069	8,639
1847	21,542	4,635	15,233
1848	22,900	4,909	18,206
1849	21,001	4,357	21,202
1850	20,537	4,468	17,108

With regard to emigration, the House is already aware of the enormous extent to which emigration has proceeded. In the year 1846, there were only 129,851 emigrants; in 1851, the number rose to 333,959; and, Sir, it is not with regard to the emigrants to Australia, nor to our own Colonies, that this increase has taken place. There has been an actual diminution with regard to the number of emigrants to Australia—it is to North America that the bulk of poor emigrants have gone, and not to your own Colonies. The bone and sinew of your fellow-countrymen have gone to another country—to a country where they will be protected—where they will find employment, and where their labour is protected. Well, Sir, I now come to the savings banks. Sir Robert Peel, who, as an authority, is always looked back to with the greatest respect by this House—Sir Robert Peel ever regarded the savings banks as one of the surest tests of the prosperity or decline of the labouring population. Now, Sir, I find that, in the series of years from 1834 to 1846, there was an increase of about 1,000 annually in the depositors in the savings banks, and of 1,000,000*l*. in the amount of the deposits; while in the last four years of free trade there has been a diminution to the same extent, as is shown in the following table, namely—

	Depositors.	Amount.
1834	——	£15,369,844
1835	——	16,456,104
1836	——	18,805,884
1837	——	19,624,015
1838	——	21,303,312
1839	——	22,425,812
1840	——	23,471,050
1841	——	24,474,689
1842	——	25,319,336
1843	——	27,177,315
1844	——	29,504,861
1845	1,062,930	30,748,868
1846	1,108,025	31,743,250
1847	1,095,554	30,207,180
1848	1,056,881	28,114,136
1849	1,087,354	28,537,010
1850	1,092,581	27,198,563

Now, Sir, I have gone through these four tests, and I do ask the House whether they are of opinion that the labouring population is in a better or a worse condition than before the repeal of the corn laws. Sir, I have said, and I repeat it, that it is not the large landed proprietors that are suffering from free trade—it is the small occupiers—it is the freeholders of this country. Aye, Sir, if it was your large landed proprietors, this House of Commons would soon reverse free trade. I am sorry to be obliged say, that if it was the large landed proprietors that were suffering, I should not now be advocating the cause of the poor agricultural proprietors and the labouring classes. The battle that is to be fought is not one between the agricultural and the manufacturing interest—between one class and another—but the battle that is to be fought is between capital and labour—between industry and idleness. Do not think that you can escape the issue, for the people are becoming enlightened, and have studied the question for themselves. The noble Lord the Member for the City of London may go to his election with a loaf upon a pole; but he will be laughed at by the labouring people. Go and ask the man in the street who is without employment whether he cares much for bread as long as he cannot obtain employment. He will tell you that a sixpenny loaf is of no avail to him, if he has only 4*d*. to buy it with. He will tell you that without employment he cannot live, and that it is employment that he wants. The labouring classes of the country are beginning to study these questions. What I ask for is, that you will allow them to say aye or no to the question that shall be put to them—have they or have they not been benefited by free trade? Let it not be said the question is decided, and that no one will now dare to impose a duty upon corn. We, Sir, will dare to impose a duty upon corn, if we have the people with us, as I believe we shall have. Let the question be put before the people, and let them fairly decide. There have been two remedies proposed for the present lamentable state of things: one is a return to a protective duty, and the other is a revision of taxation. Now, Sir, I say that the advantage which the community at large would derive from the one, would be infinitely greater than that which the upper classes would derive from the other. The one is an external policy, and the other internal. The one protects every one against the foreigner, the other merely provides that justice shall be done between one class of Englishmen and another class of Englishmen. The noble Lord the Member for the City of London, in his speech to-night, said—"I want to know whether you, who have long advocated protection to the great national interests, condescend to accept a pecuniary remuneration for the evil that you say has been done to you?" Now, I say this, that I would infinitely prefer, on public grounds, a return to protection, because in my conscience I believe it to be essential to the maintenance of the general prosperity of the country. But if you will not return to protection, then, I say, reduce the burthens that peculiarly press on the agricultural interest, or any interest that is suffering from your late policy, or else you will do great injustice. The present Government are, no doubt, placed in a position of great difficulty, because they are a Government that are young in office, and young in official experience; while they have opposed to them Gentlemen of the greatest abilities, of a very large amount of official experience and great influence; and I must say that they have not shown very great forbearance to Her Majesty's Government. ["Oh, oh!"] Why, did you not when they first came into power, force on an immediate dissolution? Did you not before they could pass those measures which even the safety and welfare of the country demand—did you not, by every argument, endeavour to force them to come to a premature dissolution? And having failed in that attempt, because the country would not go with you, did you not retreat from that unpopular position? Having failed in that attempt, you then did everything in your power to retard the dissolution. You opposed the Militia Bill, although it was a measure which you yourselves said was necessary; and then you say that you have not pressed hardly upon Her Majesty's Government. The noble Lord the Member for the City of London, in his speech to-night, did everything he possibly could do to damage Her Majesty's Government. He raked up everything he could find against them. He went from Florence to Ireland, and from Ireland he came back to England and our national reputation. He taunted the Government—"You have no policy; you have no opinion of your own." Well, Sir, I cannot say the same of the noble Lord, for I believe that the noble Lord has one opinion, which is this: that there is nobody fit for the government of this country except himself. The whole of the noble Lord's speech appeared to be directed to this object, namely, to make the country exclaim, "What a pity it is that the noble Lord is not sitting on the Government benches! The Government have received no little embarrassment from the noble Lord and his supporters; but I do hope that Her Majesty's Government will fulfil the promise of the Chancellor of the Exchequer—that they will carry out, now that they are in power, those measures, which, when in Opposition, they said were necessary for the good of the country. I rely upon that statement. I rely upon the good sense and good feeling of the country. You cannot contradict the statements that I have endeavoured, however feebly, to lay before you to-night; I only wish that I could have commanded the eloquence of my hon. Friends around me in doing so. I am so convinced of their truth that I know that no one will attempt to contradict them. And if I look with any anxiety to the coming elections, it is not so much with regard to Protection, because I have no doubt that ultimately this country will return to a system of protection; but it is because I would avert the misery that I foresee must come upon us during the existence of free trade. It is that feeling that has induced me to trespass on the House at so great a length.

VISCOUNT PALMERSTON: Sir, it is not my intention to follow the noble Lord who has just sat down into a comparison of the relative merits of the miseries of free trade, or the blessings of protection, or to compare the calamities of cheap food and abundant subsistence, with the blessings of a high price of corn and other concomitants of the system of which the noble Lord is the advocate. I look, Sir, on all discussion of that question as an idle waste of the time of this House. The principle of protection is dead. I rely, like the noble Lord, on the good sense and judgment of the country, and I am quite sure the country will act the part of registrar general, and that at the next election the death and interment of the venerable principle of protection will be duly and universally registered. But, Sir, I wish to address some few observations to that which was the first topic of the speech of the noble Lord the Member for the City of London, and from which the noble Lord opposite has led the House by that which may in some respects have been a convenient diversion. Sir, I certainly must confess that I have read with anything but feelings of satisfaction the papers which have been laid on the table of this House relating to the affair of Mr. Mather. I own, Sir, that for the sake of the country—for the character of the country—I wish the whole of this correspondence had been buried in oblivion. I am sorry to say that that observation applies to the whole case, from the beginning to the end of it, for I must own it seems to me that it was not a comedy, but a tragedy of *All in the Wrong*. I must say that I find much to criticise in the conduct of almost all the parties concerned, except Mr. Mather and his son. I think the late Government took a wrong view of the case. I think, also, the present Government took a wrong view of it; and I am sorry to say that our *Chargé d'Affaires* at Florence took a wrong view of it too. What is the course which in the case of a personal outrage committed upon a British subject abroad—what is the course which I think the British Government ought to have pursued? Why, it is the first duty of the Government to ascertain clearly the facts of the case—to ascertain clearly the character of the injury which the British subject has sustained, and how far he was in the wrong, or, if not in the wrong, how far those by whom the injury was inflicted were unjustifiably aggressors. Having done that, if the Government find that an outrage has been committed, reparation ought to be demanded. That reparation may consist, first, in a demand for the punishment of the offender; and next, also, in a demand for compensation to the sufferer. Upon these points it has been always the practice of the Secretary of State to consult the Queen's Advocate, to lay the facts of the case before him, to ask him what, according to his view and his knowledge of the habits of courts of justice in other countries—what might be a fit sum to demand for pecuniary compensation; and how far, according to international law, the Government would be justified in asking for the punishment of the wrongdoer. That does not appear to have been done by either Government in this case. But the first question which arises is, what was the injury inflicted, or was there any injury inflicted? I think no man who has read these papers can hesitate one moment in acknowledging that a grievous injury was committed; that a British subject was exposed to a most violent, a most cowardly outrage, for which no adequate, in fact no provocation whatever was given. A British subject was accompanying a band of music in the streets of Florence; and he was struck, first by a sword by one officer, then by the fist of another, and then, in a cowardly manner, was cut down with the sword of the officer who first assaulted him. Now, what is the feeling of different countries with regard to an attack by an armed against an unarmed man? Why, Sir, we all know the old anecdote of the English butcher, who, while employed in the avocation of his profession, was struck by a man with whom he had had words, and whom he reproached with the good old English sentiment, "Why, what a mean, cowardly fellow you must be to strike a man who has a knife in his hand, and who cannot return the blow." That is the English feeling. What is the French feeling? Why, Sir, many of us know that there was a distinguished officer in the British service in the cavalry (Colonel Harvey), who had lost an arm, but who served in the Peninsular war, mutilated as he was. In an action in which he was engaged, he got into the *melée*, and a French officer rode up to him with sabre uplifted, and was going to cut him down. But the Frenchman saw that his opponent had only one arm, and, seeing that, he dropped his sabre point, and passed on to seek out an opponent with whom he might contend on equal terms. That is the French feeling. Then, I shall be told that this case is a proof of the Austrian feeling in such matters. Sir, I don't believe any such thing. My conviction is that the cowardly conduct of that lieutenant who cut down, without provocation, an unarmed British subject, has met with as much disapproval and disavowal on the part of his comrades in Tuscany as they in their service dare show by their conduct towards their officers. I am persuaded that if Marshal Radetzky had known the true facts of the case at the time when he said that the officer was fully justified in what he did—I am fully convinced that such a brave man would have sympathised with Prince Schwarzenberg, who, when appealed to by the Earl of Westmoreland, who said to him, "We are both soldiers, and we, I am sure, never raised our sword against an unarmed man," replied, "No; such a thing could never happened to either of us;"—I am persuaded that had Marshal Radetzky known the truth of the matter he would never have written the despatch which we find among these papers; for, whatever we may think of the policy which is pursued by the Austrian Government, no man who knows the Austrian people and army can for a moment doubt their generosity and personal courage. Well, then, how was the outrage committed? By whom? By an Austrian officer in Florence. Who should be responsible? Upon a *primâ facie* view I believe the Government of the country in which the outrage was committed. But responsibility is the companion of power. Those are responsible for injuries who could have prevented them, or who could have punished those who inflicted them; but where there is no power there ought to be no responsibility. That Austrian garrison was in Florence, and, as stated by my hon. and gallant Friend (Mr. B. Osborne) their continuance there depended upon the will of the Government of Austria, and not upon the will of the Government of Tuscany. It is not now known for the first time by these despatches—it is a fact which the English Government knew before I quitted office—that the Austrian troops, while there, were not amenable to Tuscan authority. We perfectly well know they are not. In the course of last autumn a rude assault was offered by a detachment of Austrian troops to members of the Grand Ducal family, who were stopped in their carriage while taking a drive and compelled to get out, and in that carriage out of which they were taken, the Austrians oldiers put a drunken comrade, who was too drunk to be able to return to town on foot. The Government of Tuscany could not punish the offenders; they were compelled to apply to the Austrian Commander-in-Chief, and the delinquents were punished militarily by their own officers. It being known, then, that the Tuscan Government have no power or authority over the Austrian troops, it seems to me, firstly, that *primâ facie* the Austrian Government is the party from whom redress should have been demanded. That redress was of two kinds: in the first place, the Government ought to have demanded the punishment of the officer—the punishment of a man of whom this at least was known, that he, an armed man, had cut down an unarmed British subject. The Austrian Government might have made reply. "No doubt," they might have said, "an outrage has been committed; but there are certain regulations in the Austrian service which render it imperative on the officer to do what he did, and if he had not done so, we should have punished him." That would have been undoubtedly an answer that would have required further explanation. The English Government would have been entitled to say, "Show us your regulations." But if those regulations had been shown to bear out that assertion, and if the Government of Austria could have proved that the officer had no alternative but to do what he did, or receive punishment from his own superiors, I admit that any demand for the punishment of that officer could not with propriety have been pressed. But then you would have had the right to say to the Austrian Government, "You may make what regulations you like, provided they are not attended with injury to a British subject; but when a British subject suffers by those regulations they become improper, and we expect that you shall at all events make an apology." I must say that from the handsome manner in which this matter has been dealt with, as far as the Austrian Government is concerned, I think that they would have made, had that course been taken, as ample an apology as, under the circumstances, was due from one Government to another. Well, but then I think I have a right to criticise the conduct of the late Government; because, whereas the noble Lord who introduced the subject to-night remarked upon the difference of tone assumed by the present Minister towards Florence as compared to that assumed towards Vienna—I must obseve that in making the communication to the Government of Austria there were no instructions given to the Earl of Westmoreland with regard to any application he was to make to that Government. Lord Malmesbury distinctly said in his despatch, "I have no instructions to give you," and no application was made to the Austrian Government. There, I think, an error was committed. Another part of the reparation demanded would have been to require compensation to the individual for the injuries sustained by him, and that would have been a proceeding borne out by innumerable precedents. You may say that though pecuniary compensation may apply as to cases of individual injury, the honour of a country should not be measured in pounds sterling; but, nevertheless, the Power giving such a compensation makes an admission that an atonement is due, and it is, perhaps, the only compensation which can be paid to an individual who has suffered a severe bodily injury. The late Government, in their first communication to the Tuscan Government, instructed Mr. Scarlett to demand "ample reparation," and expressed their expectation that that reparation would be promptly given. But they omitted to state of what kind that ample reparation was to be, and in so far I think Mr. Scarlett was left in a situation in which no agent of the Government ought to be placed, because he was left to determine what should be the reparation in question. He was not told whether it was to be an apology, the punishment of an individual, or a money reparation; he was to be the judge what the reparation was to consist of, and I think that was not a matter which ought to have been left to the discretion of an agent. It reminded me of a conversation I had a few days since with an agriculturist in the country, who was lamenting, like the noble Lord (the Marquess of Granby) the unfortunate condition of the farmers, and who, in reply to my question what we should do for them, said, "Give the farmer a fair chance;" and when I asked him, "But how?" his reply still was "Give the farmer a fair chance." The man clearly imagined that that was a sufficiently intelligible description of the precise remedy that was necessary. In the same way, "ample reparation" seemed to be a sort of term convertible into some definite quantity; it was like the *x* of an algebraical problem which, when it came to be worked out, was made "equal to nothing." It seems to me, then, Sir, that the demand might have been fairly made in the first instance upon the Tuscan Government. There was a presumption that they were liable to make this compensation. It was impossible for them to execute punishment upon the Austrian officer, because he was plainly beyond their reach; but they ought to have made a compensation to Mr. Mather, the Queen's Advocate ought to have been consulted; the sum to be demanded ought to have been such as he recommended, and that sum being demanded, the Government ought to have abided by that demand. Now, I come to the conduct of the present Government; and I must say that I think their course is still more open to criticism than the course of the late Government, because they did what was perfectly unusual in calling on the sufferer to assess his own damages. That never was thought of before. The sufferer in such a case could not be a judge of what was fitting as compensation to himself: that must depend on the judgment of impartial persons, and the law adviser I have mentioned was the proper person to fix it. I must say I think the noble Lord the Member for the City of London was very well borne out in his remarks upon the course pursued in forcing Mr. Mather to name a sum against his inclination and against his protest, and then showing him up to the Tuscan Government as having made an exorbitant demand. Indeed if that sum was thought exorbitant, I cannot for the life of me understand why it was communicated to the Tuscan Government. If we had been acting as mediators in a dispute between two Powers of equal weight, we might, as mediators, have been bound to convey to the one the proposals made by the other. Supposing Austria and France had been the parties concerned, and a claim of 5,000*l*. had been made by the latter for an alleged injury to one of her subjects; if we had been unable to prevail upon France to diminish the amount of her claim, we should have been bound to make known to Austria the demand, and we should have been bound to say that we thought the amount was more than Austria ought to be called on to pay. But I cannot understand, under the critical circumstances of this case, why, before the demand for this 5,000*l*. was communicated to Tuscany, Mr. Mather was not told that the sum was considered exorbitant, and why the sum was not reduced by communication with Mr. Mather to that amount which the British Government might have thought was just. I think that the course adopted by the Government was open to that objection. I am sorry to say that I cannot approve of the manner in which Mr. Scarlett executed his instructions, because he evidently went below the *minimum* which he was told to require. He was told that the least sum he must ask for was 500*l.*, and if that were not acceded to he was to propose arbitration. That is a very intelligible instruction; but Mr. Scarlett asked less than half the sum fixed as the *minimum*, and then takes in part payment the release of the two Messrs. Stratfords. This last proceeding puts me in mind of what has been said of it, that "it ought to have made up the difference." But the fact, in regard to these Messrs. Stratfords, is, that they were accused of that which was in itself an offence—that is to say, they had in their houses a private printing press, which is prohibited by the law of Tuscany; and it was shown that with this printing press they had printed papers inveighing against the Government, for the purpose of distribution. No doubt they had incurred the liability to punishment; but they were tried by an Austrian court-martial at Leghorn. Well, the Government, when I was a Member of it, protested against this proceeding. We consulted our legal advisers, and found that by the fundamental law of Tuscany even the Tuscan Government could not establish martial law to the supersession of the ordinary tribunals, much less could a foreign garrison acting under the orders of a foreign Government do so. We protested, both at Florence and at Vienna, against the competency of the court, and consequently against the validity of the sentence; and I presume, from what I have heard tonight, that that protest was insisted upon; that its force had been admitted; and that these two young men were to be liberated in consequence of the incompetency of the court and the invalidity of the sentence; therefore, their release, while it was no great satisfaction to Mr. Mather, was, diplomatically speaking, not, I think, a fair arrangement, inasmuch as we should have had them released without it. Well, then, Sir, I should say that Mr. Scarlett acted unwisely in acceding to that arrangement; and I humbly think that Her Majesty's Government acted very hastily and not wisely in sanctioning that arrangement when it was first communicated to them. They seem to have been under the impression that whatever a British agent abroad agrees to, whether in conformity with or against his instructions, it is incumbent upon the Government to adopt all his acts. That is not diplomatic or international practice. If you can show that what your agent has done is at variance with his instructions, you are perfectly at liberty to disavow him and refuse to sanction the arrangement he has come to. The Government would, therefore, have been perfectly justified in refusing to agree to the arrangement made by Mr. Scarlett. I confess, myself, that I do think, if any pecuniary compensation was to be demanded, whether from the Tuscan or the Austrian Government, in a case of that sort, the sum of 500*l.* demanded was altogether inadequate, whether to the circumstances of the individual injured, or as an acknowledgment from the Government of one country to another; and I think that that, Sir, ought not to have been reduced to the insignificant amount demanded by Mr. Scarlett. But so far I think that the Government, having adopted that arrangement, and having consented to the 500*l.* and the exchange of the Mr. Stratfords—I think that they acted with great haste, and with an imperfect examination of the documents, when they disavowed Mr. Scarlett in the last despatch, upon the ground that he had abandoned the principle of the responsibility of the Tuscan Government; because Mr. Scarlett did no such thing. Mr. Scarlett, whatever mistake he may have made in his anxiety to come to an arrangement, and accept what I think a very inadequate compromise, did not abandon the principle; he waved the discussion of the principle, but he by no means abandoned the principle itself; he distinctly affirmed it, instead of abandoning it. If the noble Lord the Secretary for Foreign Affairs (the Earl of Malmesbury) will look to Mr. Scarlett's note to the Duke of Casigliano, he will see a transcript of the instructions sent him; he will see that that note, of the 18th of March, contains, word for word, the assertion on the part of the British Government that Tuscany is responsible for what happened to Mr. Mather. Well, when Mr. Scarlett and the Duke of Casigliano came to their final arrangement, it was agreed that the Duke of Casigliano should offer 240*l.* and the two Mr. Stratfords, and that the discussion as to the principle of responsibility should be waved. The Duke of Castigliano did not adhere to the bargain; he did so in regard to the money, but he perseveringly pokes into his note a reassertion by implication of his doctrine that Tuscany was not responsible. What says Mr. Scarlett in his reply, dated April 18?—

> "I accept your arrangement; but as you have thought right to reaffirm your principle as to the

non-responsibility of Tuscany, I think it right to refer you to my note of the 18th of March, in which the principle of the British Government is laid down that you are responsible; and I tell you that the British Government maintains that principle in all its integrity."

I am at a loss to understand how the Government could consider Mr. Scarlett as abandoning the principle, which he seems to me to have maintained fully. I think Mr. Scarlett was not to be blamed for that part of his arrangement. We demanded payment of money from the Tuscan Government, as a compensation for the injury done to Mr. Mather. They said, "We will give you a sum, but we give it as an act of generosity on our part, denying our responsibility, and denying that in any similar case we should be liable to make good the injury done to a British subject." I think, if the Government were not satisfied with the amount which the Tuscan Government offered, the more handy way of dealing with that case would have been to say, "We take the money in our sense; and remember, that if ever the same thing happen again, we will compel you to give us what we think ample compensation; and we don't care a pin what you say about your non-responsibility—we will make you responsible." I think if the British Government had said that, which, indeed, was pretty much what Mr. Scarlett did say, the negotiations need not have been broken off simply because the Tuscan Government would not pronounce the words which we wished to put in their mouths. I think, Sir, that the present state of things is not one which need lead to any serious interruption of relations between this country and Tuscany—relations, however, to which it is evident the Tuscan Government think we attach infinitely more importance than I am convinced is attached to them by any persons in this country. We should be very sorry, of course, to see those relations indefinitely suspended; but I do think we could manage to survive the calamity if it were to befall us. I quite agree with Her Majesty's Government in thinking it a matter of great importance to maintain the principle of the independence of Tuscany; but I do not think that you maintain very particularly the independence of a country by compelling that country to pay for something done by another country. It is something like making Tuscany the whipping-boy of Austria—when Austria sins Tuscany is to be flogged. I dare say the Austrian Government wishes well to Tuscany; but nevertheless I think the Austrian Government will bear with great fortitude anything you may inflict on Tuscany. If you wanted to inflict a practical lesson, I think it would have been better read by applying it to Austria. The practical lesson read to Tuscany was this—and it is applicable to all small States—you say to Tuscany, "You possess practically an independence, but you have, nevertheless, let in a foreign garrison, over which you have no control; we will teach you to do that again, for we will make you pay for the conduct of that garrison." No doubt there is a moral in that; but I am not sure that greater European good could not have been accomplished by reading a lesson to the other party, and by saying to a great Power, "If you take advantage of your superior force to impose upon a smaller Power, and occupy and garrison that small State, you shall continue responsible for the conduct of that garrison; and if that garrison misbehaves itself towards English subjects, we shall come to you instead of to the weak Power which you have overruled and overborne." Both lessons are good, but, in a European sense, that would have been best. I am very much interested, as the Government naturally are, in the independence of Tuscany, and I must say these papers do call for serious attention on the part of the Government to the unfortunate condition of large portions of the Italian States. The Italians are a people endowed with very great and eminent qualities; they are gifted with great intellectual ability; they have shown in former times that they produce men not inferior as statesmen and warriors, and in political knowledge and capacity, to the people of any other part of Europe. I apprehend their qualities remain the same, though the cultivation of those powers by the possession of opportunities of employing them are not the same as they possessed in former periods. It is lamentable to see the present state of Tuscany, the Roman States, and of Naples. It is difficult to say where the greatest misgovernment prevails. It has been said of Austria that they wish the people of Italy should draw a comparison favourable to them between the condition of the States which they govern, and those which other Governments administer; but, like the gentleman from the sister island, who complained of his bootmaker that, whereas he had ordered him to make one larger than the other, the bootmaker had made one less than the other, so the Government of Austria, instead of making a comparison in such guise that the Italians should think the Lombards and the Venetians are better governed than the rest, only compels them to think that the other territories are worse governed than the other States. This is, I say, lamentable, and I do not believe there is another example in modern times of such a system of cruelty, tyranny, and violence of every sort as exists in the Neapolitan and Roman States. It is a disgrace to modern Europe. The position of affairs in Tuscany is not so bad; but the people there are exposed continually to acts of violence from a foreign garrison, for which they have no redress, and which, if committed in England, would arouse the indignation of every man from one end of the kingdom to the other. This occupation of the Italian States, especially of Tuscany, by foreign troops, did not escape the attention of the late Government. It is evident that that occupation cannot cease, except by common consent between the Government of France and the Government of Austria. France would not withdraw until Austria has evacuated Tuscany and the Legations, which it cannot be expected to do until the French have retired from Rome. We have been told that nothing could be done until the month of May had passed; and there was much force in the arguments and statements then made. But May was anticipated by December. May has now gone by. I do entreat Her Majesty's Government to turn their minds to this question. It is one which really concerns — not merely the happiness and welfare of a most interesting part of Europe—but which also involves great international questions, and which deeply affects the balance of power in Europe. I should hope that Her Majesty's Government, being on good and friendly terms with the two Governments mainly interested in a decision upon this matter, will exert that influence that justly belongs to the Government of this great country, and will endeavour to persuade the Governments of France and Austria to put an end to the anomalous and irregular state of things which now prevails in so great a part of the Italian peninsula. I shall be told that the condition of the Roman States is such that, if the French garrison were to retire, a great revolution and disturbance would take place. But let me remind the House of what possed in 1831 and 1832, when the five Powers of Austria, Prussia, Russia, France, and England, gave to the then Pope advice with regard to the improvement of the internal organisation of his Government, which, if it had been acted upon and carried out, would have secured the tranquillity of the States which he governs. Some such arrangement might now with advantage be adopted. I shall be told, perhaps, that some steps have been already taken with that object; but I feel that they are practically illusive, and that no practical step has been taken with the view to those improvements which were then recommended, and which are now more wanted than ever. I ought, perhaps, to apologise to the House for the time during which I have occupied its attention. I am sure, however, that the subject I have mentioned is one that must engage the sympathy of every man in this country; and I am persuaded that if Her Majesty's Government will take it up in the spirit in which I think they are disposed to act, great good will result to Europe from their endeavours.

The CHANCELLOR OF THE EXCHEQUER: Sir, I am extremely glad that in the course of this debate we have been favoured with the opinions of the noble Lord the Member for Tiverton. On these subjects he is a very high authority, and I am sure that the temper and tone in which he has treated the question to-night will lend an additional influence to the opinions he has expressed. The noble Lord, we have been informed by the right hon. Member for the City of London, is a very high authority, because he understands the business of the department in question. On hearing this, one is tempted to ask the right hon. Member for the City why, if so highly qualified, he turned the noble Lord out of office? and when he contrasts the abilities of his Foreign Secretary with the Foreign Secretary whose conduct we have now to defend, we cannot forget the remarkable circumstances under which the two noble Lords separated. These questions, in which individual injury is experienced in a foreign country by one of Her Majesty's subjects, although not so important at the outset as those in which the nationality of the country is concerned, are really, from that very circumstance, the most difficult and the most troublesome to deal with. The hon. and gallant Member for Middlesex (Mr. B. Osborne), who spoke in his usual airy tone, said it was easy to settle these things. Look at the case of Mr. Russell. He said Mr. Russell was our Consul at New Grenada; the people there insulted and illtreated him; they seized his papers; and see, the hon. Gentleman said, how the noble Lord the Member for Tiverton acted. He immediately ordered a British force to the spot, and reparation was instantly obtained. Why, Sir, that was a case in which the nationality of this country was concerned. When a consul, a person who certainly in South America may be looked upon as a *quasi* diplomatist, and who represents the authority, if not the Crown, of England, is insulted and illtreated by those who may be said to represent the people, there can be no doubt as to the course that is to be pursued; and when the remedy is at hand, as it always is upon those coasts, nothing can be more prompt than the redress obtained. But in the case in question there were none of these circumstances. The nationality of this country was not involved, and although it was an outrageous, a wanton, and a cruel act, it still was, as Lord Malmesbury said, an accidental one; and I must say I was quite surprised at the manner in which the noble Lord the Member for the City of London alleged that there was an inconsistency in the language of the Secretary of State for Foreign Affairs. In my opinion these epithets are perfectly consistent with the circumstances of the case, and present a clear and accurate description of the incident. We are told that we did not apply for redress to the right quarter; that we ought to have applied, not to the Tuscan, but to the Austrian Government. Now I shall not defend the conduct of the Government by the example of Earl Granville, or any other Minister. The conduct of the Government, whether right or wrong, was at least founded upon principle, and upon a principle adopted only after mature deliberation and the most anxious inquiry. It was our opinion that if there be a State which maintains diplomatic relations with Her Majesty, with those public rights there must be correlative duties; and it was our opinion that, as Tuscany is recognised and treated by us as an independent State, an outrage committed upon a British subject in Tuscany ought to be brought under the notice of the Tuscan Government. The noble Lord the Member for Tiverton has done justice to the tone which, throughout this business, has been exhibited by the Austrian Government—that they have behaved with great courtesy, with some approach even to sympathy; and their treatment of the case being so encouraging, the noble Lord asked why we did not go for redress to the stronger Power—the Power which actually committed this outrage. I have no doubt that Austria would have been willing to concede to such a demand for reparation; Austria would have been very willing to have yielded to a demand which certainly would have been a virtual acknowledgment of the supremacy of Austria in the Tuscan State. It would have been very agreeable to Austria that we should have applied to Vienna for redress, because that would have been treating Tuscany as a mediatised State. But that is not the policy which Her Majesty's Ministers wish to maintain with reference to that country; and though the noble Lord the Member for Tiverton has, I think, in a manner more superficial than becomes one so well acquainted with these matters, commented upon the facility of obtaining redress from Austria, and the invidious position in which we placed ourselves in negotiating with the Ministers of a small Power like Tuscany, I think the noble Lord might have foreseen that circumstances might occur under which the power of holding Tuscany as the responsible party in a controversy might prove of very great importance to England, and circumstances, for example, might arise in which it might be of the greatest importance for England to show herself in the ports of Tuscany in a manner which might considerably influence the decisions of Austria. But if, at the very first moment at which a misunderstanding takes place, we apply for redress to the Government of Austria, that is, treat Tuscany as a province of the Austrian Empire, because a convention has been entered into which we have never acknowledged—that is a doctrine that I, for one, could not in any way sanction; and I believe that if the noble Lord the Member for Tiverton were in a more responsible position than that which he now holds, he, also, would not maintain this opinion. At any rate, it does not seem to me that the late Government acted on that principle, and I think that they were wise. But we were not idle at Vienna; although we did not officially call upon Austria to make reparation, we exercised the influence which we possessed at that Court in a manner calculated to facilitate and accomplish a friendly and satisfactory result. The next considerable point in this case relates to what has been treated in the discussion as the only means by which the Secretary of State endeavoured to obtain reparation for this injury. Now, I wish not to say one word that would seem to reflect upon the conduct or character of Mr. Mather. I have no reason to believe that he is otherwise than a respectable Englishman, and who, placed under circumstances of great difficulty, and to which, from his previous habits of life, he was unaccustomed, appears to me to have conducted himself with discretion and good sense; and any attempt to criticise his conduct or his language would, I think, be not only wanting in good taste but in good feeling. But when I am told that the Secretary of State sent to Mr. Mather, and proposed a pecuniary indemnity as a means of settling this affair, I am bound in justice to my Colleague and to the Government, to say that that is a statement that conveys to the House and the country an impression not perfectly accurate. There is no appearance, in any of the papers that have been placed on the table, of such an incident. There is a statement of Mr. Mather, which I do not wish to refer to further; but I beg the House to take that view of the case which, as men of the world and Members of Parliament, they will take, and that they will understand that, in the interview between Mr. Mather and the Secretary of State, such a subject might have been brought forward and entered into with perfect propriety on the part of the Minister, and on the part of the gentleman complaining of the conduct of a foreign Power. I have here the minute made by Lord Malmesbury after that interview. I shall not read it, because that might introduce into this debate expressions which might hurt the feelings of individuals who are not present; but I say most distinctly that Lord Malmesbury did nothing and said nothing but what any of his predecessors might have said and done, and would probably have said and done. The question was treated in a natural and proper manner, and in a manner quite different from that which is conveyed by this discussion, and the statements that have been made. There were two points in the discussion between the Secretary of State and Mr. Mather. The one was the reparation due to the honour of the country for an injury offered to a subject of Her Majesty; the second was the reparation due to the individual injured. Lord Malmesbury very properly said as to the first point—"The honour of the country is under my custody, and, therefore, we need not converse about that; but it is my duty to confer with you on some means by which reparation may be made to your injured son;" and, therefore, they naturally came to that mode which is the only mode in which reparation can be made. I hear great squeamishness expressed as to a man taking money who is suffering under an outrage of this kind. Why, it is a mode of reparation recognised by the habits and by the laws of this country. Gentlemen, on a subject in which their most delicate honour is concerned, appear before the courts of this country, and accept pecuniary damages. Does any one suppose that when damages are awarded under such circumstances, they are merely offered as a reparation for the injury? They are accepted because it is the only mode according to the custom of the country by which certain punishment can be inflicted on the person who has done the injury, and at the same time a certain recognition of wrong can be offered to the person injured; and to pretend that there is anything novel or monstrous in recommending an individual in the position of Mr. Mather, who had suffered as he had done at Florence, to accept as an avowed acknowledgment of the wrong inflicted by the Government a pecuniary fine from that Government, is a proposition which I think, upon cool reflection, no one will attempt to substantiate, and which I am sure the common sense of this country would not for a moment entertain. Well, then, firstly, Sir, as to the quarter to which we applied for redress—even the noble Lord the Member for Tiverton, notwithstanding the many ingenious observations he made, learned as he is in public law, does not for a moment deny that it was the right quarter. And secondly, Sir, as to the mode by which redress was to be obtained from that quarter—it cannot be denied that the mode of redress was the usual one. But I am told that Lord Malmesbury showed great infirmity of purpose: that was the expression used by the hon. Member for Middlesex (Mr. B. Osborne). I say, on the contrary, there was no infirmity of purpose; because I find in every despatch that Lord Malmesbury is consistent in trying to obtain the same end. In his very first letter to Sir H. Bulwer, dated the 26th of April, he desired him not to lose sight in any manner of the principle upon which our demands had been made, namely, that an independent State is responsible for every outrage committed in its territory. Mr. Scarlett's despatch, written on the 23rd, and received on the 1st of May, stated that no objection was made to 500*l.*, as the *minimum* of compensation. Still, under these circumstances, the Secretary of State instructed the Minister, who he had supposed by that time had arrived at Florence, not to wave the recognition by Tuscany of the principle insisted on, although the compensation he had fixed upon had been conceded. Suddenly he found the whole circumstances changed —that the principle was given up, and much less compensation was accepted. But then the noble Lord said, "You are in error in supposing that Mr. Scarlett waved the principle of responsibility." Mr. Scarlett did not wave that principle; but what the Secretary of State required was, that there should be an acknowledgment of that principle. If it was a question between 250*l.* and 500*l.*, it would certainly not be an object that would have justified having recourse to the measures which were recommended; but the pecuniary sum was not the great object. The great object in our eyes, not merely with respect to this particular instance, but with regard to circumstances that might exercise an influence on the fate of Europe, was that the Tuscan Government should acknowledge the principle of their absolute responsibility, and then we should have been justified in taking the sum we fixed. But, said the noble Lord the Member for Tiverton, what indiscretion could be greater than when Mr. Mather had after reflection fixed upon 5,000*l.*, the Minister should let the Tuscan Government know that Mr. Mather had fixed upon that sum as a sum required, in his opinion, for compensation, and at the same time acknowledge, on the part of the British Government, that they thought that demand was exorbitant? What could be the reason of such strange conduct? said the noble Lord. It appears to me that the reason is obvious. The object of the Government was to get, not an exorbitant but an ample compensation for the party suffering, not as vindicating the national honour, or satisfying the outrage committed against this country, but as a compensation to Mr. Mather for a gross insult and injury to him; and, knowing that the views of the Italians as to compensation are very different from the views entertained in this country, I certainly do not see that it was very indiscreet to let the Tuscan Government know that Mr. Mather claimed 5,000*l.*, although the British Government were not prepared to sanction a claim of that amount, which of course they knew it would be impracticable to realise. But of course the Tuscan Government would be and were more prepared, hearing of the extent of Mr. Mather's demand, to offer the sum they ultimately did—namely, 500*l.*, for that was the sum they were prepared to give until that remarkable change took place in the circumstances to which reference has been made. No doubt there may here be room for difference of judgment. Some may think that was not the most adroit way of obtaining the end; but when the noble Lord says he cannot understand the reason why the British Minister should let the Tuscan Government know the individual had fixed his compensation so high that the Government could not recognise it, I think the noble Lord cannot perceive the possible consequences that I should otherwise have thought would have been very obvious. The noble Lord has called our attention to the state of Italy; and he only does justice to the feelings of the Government when he assumes that they look with great interest and some anxiety to that important country. But he spoke in a tone as if the Government were responsible for the state of affairs there. The state of Italy is no worse than we found it. The noble Lord has been making these speeches on the state of Italy for a considerable time, and very just are his observations, and very ingenious his policy; but the state of Italy has not been improved hitherto by the counsel or conduct of the noble Lord. Not only has he made speeches on the state of Italy, but he has sent some of his friends on missions to that country; and when we find that, notwithstanding the vast ability of the noble Lord, and his great experience and eloquence, the state of Italy is rather aggravated than not, I can assure the noble Lord that the Government is sensible that they must proceed in such affairs with very great deliberation and foresight. That the time may come when the fairest part of Europe may not be possessed by hostile garrisons is a result which every man must desire who sympathises with freedom, and is grateful for what the Italians have done for modern civilisation. The former Government were responsible for the position of the affairs in which Mr. Mather was so much concerned. It is a painful subject; for every one must feel for one of our fellow-subjects when he is injured, and particularly for a youth of such tender years, and who has, in my opinion, behaved with such good feeling throughout the whole of this transaction. But it is not well to impeach a Government upon such a subject, even with a dissolution impending; and no one knows that better than the noble Lord (Lord John Russell), because, after due reflection upon the subject he had announced, he added a very interesting postscript. Sir, I must not follow the enviable example of my noble Friend (Lord Stanley), and leave that postscript altogether unanswered; nor must I leave the reply to it altogether to my noble Friend the Member for Stamford (the Marquess of Granby). I am bound to notice the elaborate attack of the noble Lord. He has taken a review of what has occurred during the brief period that we have sat upon these benches. We have heard from him a statement of that kind before during the course of this Session. The very first night that I took my seat, the noble Lord rose and opened his batteries. He has since recurred to the attack, but his drums were muffled and the fire slackened. Now we have a last effort—but it is a forlorn hope, that will not take the citadel. The noble Lord has, amongst other things, criticised an address that I have recently issued to my constituents; and, if I understand him correctly, he would seem to convey to the House that I have declared that the abolished corn laws were altogether passed to maintain rents. I wish the noble Lord, who has read extracts from despatches to support the first part of his case, had quoted any passage from my address which might have seemed to substantiate this statement. I have said, as I am always ready to say, that laws that are passed with a view to maintain rents, are laws that cannot be tolerated. I have never said that the corn laws were passed with that object. The noble Lord himself has never said it; but hon. Gentlemen behind him have said it every night of their lives; and it was in reply to their observation that I wrote the sentence to which the noble Lord has referred in so mistaken a manner. Laws passed to maintain the rents paid in this country are not to be tolerated; but, at the same time, laws that inflict upon the land burdens, imposts, and regulations that other property and other industry are not subject to, are equally unjustifiable. And if at any time I have recommended a revision of taxation with a view of equalising the burdens upon land, I have never recommended such measures as compensation for rent, which the noble Lord quoted as if words used in my address. I never have and never shall recommend them on such a ground. If, however, the consequence of the legislation of this country is a diminution of rent, and if it can be shown there is a pressure of taxation upon land which is not shared by the other great properties of the country, then I think there is a legitimate claim on the part of the property the value of which is thus depreciated, for redress and relief. The noble Lord has also said, that although I have referred to the great things that the present Government have done—I am sure I was not conscious of it—he is not aware that we have done anything of any consequence since we have been in power, except passing the Militia Bill—that he could not pass. But the noble Lord said, "I make you a present of your Militia Bill; but your great measure of Chancery Reform on which you plume yourself so much, you have only stolen from our Commission, and when you introduced it you made changes in it which, had it not been for my trusty Friend the right hon. Baronet the Member for Ripon (Sir J. Graham), would have marred all its good effects." Sir, if these measures for the reform of Chancery should pass, I believe they will confer upon this country the greatest blessing that society has for a long while experienced; and, no matter who the Ministry who brought it forward, or the Parliament who passed it, that Ministry and that Parliament will not be forgotten. But, Sir, there is something which I remember also — it was on the 15th of March, when the noble Lord, proud of the new Opposition of which he is the recognised leader, said it was incumbent upon me to declare the measures that the Government considered it necessary to pass; and when I, with a modest catalogue of those measures, said that Chancery reform was one that we meant to try to pass, the noble Lord received that intimation with derisive scorn. He was supported by all the sections of the new Opposition—yes, even by that section, small in number, but of great power, led by the noble Lord the Member for Tiverton, and who trusted that the House and the country were not going to be embarked in a Chancery suit. I thought there was, and is, a fair prospect of the passing of our measures of Chancery reform; and I claim no more credit except this, that when the chance was offered us of passing this measure, we did it in spite of the opposition and the derision of the noble Lord the Member for the City of London. But the noble Lord said, " Then there is another subject of great importance, besides your equivocal conduct towards the agricultural interest. Besides the support of the agricultural interest, and the false plumage in which you have arrayed yourselves with this Chancery reform, you have acted in the most unconstitutional, most equivocal, and equivocating manner, for some object of the hour, in tampering with the great question of education." Now, what have we done to justify all this indignation on the part of the noble Lord and all those broken-hearted inquiries which have been addressed to us by the hon. Member for Chichester (Mr. J. H. Smith)? The noble Lord wishes to convey to the country that, for party purposes—nay, for a viler consideration, for hustings purposes—we have been tampering with the question of education in this country. [" Hear, hear!" *from the Opposition benches.*] " Hear, hear!" Yes, you shall hear. The noble Lord can't endure that subjects of religion or education should ever be used for party purposes. He remembers the Appropriation Clause, and shrinks with horror from the repetition of such manœuvres. Here is, according to the noble Lord, a Government that is having recourse to most unjustifiable proceedings; it seems that a Minute has been issued by the Committee of Privy Council on Education, which has been laid upon the table to-night; a Minute which I think it would have been more prudent if the noble Lord had read before he delivered his observations, because he would then have seen that this Minute does not alter the management clauses. They still remain as they were; but we have, consistently with the opinion we have always professed, offered an alternative to those who would not accede to the management clauses, which however we have not relinquished, and which are still regulations in force. Let the alternative we have offered in certain cases be considered by the House; and, if the House does not approve of it, take your means to express your disapprobation. But, confident am I that every person who has the interest of the Church of England at heart—nay, I will not limit it to such—but say that every person who is sensible of the value of justice in the conduct of public affairs, will agree with us in the course we have taken. I do not now wish to enter into details upon the nature of the Minute—it will soon be in everybody's hands—and everybody can judge of it for themselves; but I must somewhat more particularly refer to the noble Lord's statement. The statement of the noble Lord is, that we waited until the vote upon education was taken before we passed that Minute and placed it on the table of the House; so that we possessed ourselves of the public funds, and are about to administer them in a manner which has not been sanctioned by this House, and has never before been adopted. I address myself to this grave accusation, and I assert that, without any exception, there is no instance in which the Minutes of the Committee of Education of the Privy Council upon the management clauses have been laid upon the table of this House as a separate paper preceding the vote for education. This grave charge has been made in another place, by one whose high authority and eminent virtues I freely recognise, and it has been freely circulated. Let us look to the facts of the case. My position is this—that no Minute referring to the management clauses has ever been placed as a separate paper upon the table previous to the vote for education, but, on the contrary, has always appeared in those blue books which have been circulated long afterwards —on an average, some six months after the adopting of the Minute. The first Minutes with respect to the management Clauses A, B, C, and D were signed June 28, 1847, during the Administration of the noble Lord; and in that year, 1847, the vote for education of 100,000*l.* was taken upon the 26th of April, while no announcement was made during that Session of Parliament of the management clauses having been signed; indeed those clauses were never presented to Parliament until they appeared next year in the blue book, amidst a mass of other documents. That was the first precedent, and a very important one. But these clauses received important alterations two years afterwards—in the year 1849. I am told upon official authority, that the date of the signature of the Minute effecting the alterations was the 26th of May, 1849; and true it is that the money vote of 125,000*l.* was not passed until the 4th of June, in that year; but the amended clauses were never laid before Parliament —were never noticed in Parliament—and they were only known in Parliament by being printed in the blue books containing the Minutes of the Council, which were not circulated until the month of January in the following year. Now, I acknowledge that there was an occasion on which a Minute of the Committee of Education was laid upon the table previous to a vote, and it was that which effected that important alteration, the institution of pupil teachers, involving new pecuniary arrangements, and rendering necessary a new distribution of the funds. It was thought that Parliament ought to be made aware of that new system before the money vote was obtained, and Lord Lansdowne placed the Minute on the table of this House before the vote was taken; and I am quite sure the noble Marquess, who is incapable of misrepresentation and of making an unfounded charge against his political opponents, must have been misled by that solitary precedent, which does not at all apply to the management clauses, and which had betrayed him into an unfounded charge against the Government, to which he has given the weight of his authority very recently in another place. But the noble Lord (Lord John Russell), who is so well versed in the business of this House—who has been conversant with the proceedings of Parliament for I know not how many years—who is, in fact, the highest authority in this House wherever he may sit—the noble Lord must not shrink under the gabardine of the noble Marquess to justify the statement he has made. There have been great concessions made in the management clauses as regards Roman Catholic, Presbyterian, and Jewish schools. These were three great changes made under the Government of the noble Lord, and the latter might have provoked great controversy in this House; but in no one instance was the Minute of the Council of Education laid upon the table before the vote for education was passed. And now, I ask the House and the country, was the noble Lord justified in making that statement to-night? When he was accumulating every possible means of creating odium against his opponents, beginning with the unhappy squabble at Florence, and ending—but I have not come to his ending yet—I do not think he was justified in making that statement. He has accused the Government of tampering with the system of education in this country. He charges us with having stealthily obtained and cheated the House out of a money vote. He has lent his—I will say —illustrious name to the circulation of a statement that must agitate every hearth in the country, that the Government are tampering with a system of education that has received for so long a period the approbation of Parliament; and that they have done this in a manner the most disingenuous and the most disgraceful, by procrastinating their movements until Parliament has been betrayed into a generous vote of upwards of 150,000*l.*, which is now to be distributed and applied to a new system that they have disingenuously established—thus making the House of Commons an unwilling confederate with us in a revolution which the noble Lord deprecates and denounces. But what is the fact? I have shown that in no one instance where the management clauses are concerned has the Minute of the Privy Council ever been laid on the table of the House of Commons: in every instance, whatever changes might have been made, Parliament has always voted the sum for education in perfect ignorance and in total disregard of what might be the change in the management clauses which the Government, in its responsibility, might think fit to recommend. I have shown to the House that when the management clauses were first introduced, they were signed after the vote was passed in this House, and were not communicated to the House of Commons until six months afterwards. That was in the year 1847. I have shown the House that great alterations in them took place in 1849, and that the Minute was signed only six days before the vote was passed, but was never communicated to the House of Commons until six months afterwards. That recently, within the last eighteen months, three most important changes have been made in the management clauses with regard to the education of Roman Catholics and Presbyterians, and Jews; and not in one single instance has the Minute been placed on the table of the House of Commons until six months afterwards; and that, in every instance, has the vote for education been continued by the House in total ignorance of those changes. I hope the House will excuse me if I have attempted to vindicate the Government from the most serious charge which has been made against them; one which I think affects their character as Gentlemen, as well as their conduct as Ministers—conduct of which I trust that no Government from whatever side of the House it may be deputed—of whatever party it may be formed—would willingly be guilty in this House. Certainly, had we for a moment believed that in recommending—as I believe—the temperate, wise, and salutary alternative that we have recommended with regard to the management clauses for Church schools—if I thought that we had been taking advantage of the House of Commons—that we had been cheating the people, through their representatives, of their money to support a cause which they do not approve, and maintain a system which they look upon with dislike, I should have conceived that we were acting in a manner totally unworthy of our character as Ministers, and should have thought, that even in the last days of this Parliament, there would have been spirit enough in the House of Commons to have, by some expression of reprobation, shown the country how undeserving we were of the position in which we were placed. Sir, the noble Lord may rest assured that we shall go to the country, with no undue confidence, I trust, but at least in a manner which will allow us to meet the people without shame. And whatever the noble Lord may say of our change of opinions, I shall be prepared to vindicate them here or before my constituents in a manner which I trust will entitle me to maintain their good opinion which I now possess. I deny that there has been, on our part, at any time since the unfortunate circumstances of 1846—circumstances which I ever deeply deplored—I deny that there has been any attempt to change the position which we then took up. Sir, I do now, and ever shall, look on the changes which took place in 1846, both as regards the repeal of the corn laws and the alteration of the sugar duties, as totally unauthorised. I opposed them, as most of my hon. Friends about me opposed them, from an apprehension of the great suffering which must be incurred by such a change. That suffering, in a great degree, though it may be limited to particular classes, has in some instances been even severer than we anticipated; but, Sir, I deny that at any time after those laws were passed, either I or the bulk of those with whom I have the honour to act have ever maintained a recurrence to the same laws that regulated those industries previous to 1846. You cannot recall a single speech to that effect; I defy anybody to quote any speech that I ever made, or any sentence that I ever uttered, that recommended such a course as desirable or possible. Why, what is your charge against my Lord Derby? You say that he recommended a fixed duty, and now that he has intimated his belief that the country would not support such a policy. Well, but is a fixed duty a recurrence to the laws which regulated the introduction of corn or sugar prior to 1846? If my Lord Derby had declared that he counselled a recurrence to those laws, don't you think that you would be ready to refer to his speeches—that night after night you would din in our ears your quotations from what he said? I defy you to produce a single sentence of the kind. When we come to this question of a fixed duty, that is talked of so much, I must say now what I have said before in this House, that I will not pin my political career on any policy which is not, after all, a principle, but a measure. I should be very glad, as a financier, that there was a moderate fixed duty on corn. I admit that; and I see opposite me numerous great authorities who have often admitted it also. But, Sir, when I find that, by circumstances which I do not wish now particularly to describe, by arts which I have no wish now to denounce, a fiscal proposition is invested with so much popular odium that it would be one of the unwisest things which a Minister could do to propose such a tax, thus disliked by the people—whether rightly or wrongly I will not say—I do not feel myself bound in honour to make that the basis of my policy, or to hold it up as the only measure which I can offer as a panacea to a suffering community. I could offer authorities in favour of a duty on corn, not culled from Gentlemen on my own benches, but from Gentlemen whose writings you particularly quote, from men whose political opinions entirely agree with yours, from distinguished public writers, from members of the Political Economy Club. I could quote you not merely the writings of Mr. MacCulloch, whom once you always quoted, though now you shrink from his authority, but from the pages of Colonel Torrens, from the writings of Mr. Mill. I might bring you scientific authorities in support of such a measure, which you would find it very difficult to cope with; but we must look to something beyond the mere consideration of scientific propriety; and if a measure, though recommended by the highest economical authorities, is one that the popular will repudiates, I do not think that any Minister is bound to propose it. But what is this measure that you seem always wishing us to propose — that you, with such anxiety, press for, and appear so jealous if for a moment we lose sight of it? It is, after all, nothing but a countervailing duty against certain inequalities of taxation; and if we can remove those inequalities of taxation, and redress the fiscal injuries and injustice which we believe exist, without having recourse to odious means, I consider that we are acting in strict consistency with all we have said if we adopt those means, that we are acting in perfect unison with all that we have counselled if we follow the course which we think preferable, and which we believe to be popular. Why, Sir, Session after Session, at the desire and with the sanction of my friends, when on the other side of the House, I have repeatedly urged upon Parliament a variety of means, all of the same character, by which that great result might be obtained without a recurrence to those unpopular measures which you, in your secret heart, seem so anxious that we should have recourse to. Is it anything inconsistent in me, and those with whom I act, that now we should counsel the course which for years, under great obstacles and difficulties, we supported on the benches opposite? Our wish is that the interests which we believe were unjustly treated in 1846 should receive the justice which they deserve, with as little injury to those who may have benefited more than they were entitled, as it is possible for human wisdom to devise. Sir, I call that reconciling the interests of the consumer and the producer, when you do not permit the consumer to flourish by placing unjust taxes upon the producer; while, at the same time, you resort to no tax which gives to the producer an unjust and artificial price for his productions. Those are the views which we supported in Opposition. Those are the views which we are resolved, if possible, to carry into effect. Our object is to do justice to those classes towards whom we believe that in 1846 you acted unjustly; and we attempt to do that without disturbing the system which is now established. Sir, I believe, that the country will support these views. I believe that that temperate, that remedial, and that purely conciliatory policy will be by the country ratified. And when the noble Lord the Member for the city of London talks of our being a party without principles, why, he seems plainly to admit that he is an Opposition without a cry. In his woefulness he confesses his desolation; no principle, no opinion, no movement, no agitation. What is left to the noble Lord? With the imagination of a poet—for he is still a poet—at his last gasp, to my great surprise he discovered a resource. "Something," says the noble Lord, "we must rally round. We must rally round the only thing that is left to us, that profound apophthegm of the right hon. Gentleman the Member for Ripon (Sir James Graham)." The right hon. Gentleman has emblazoned on his standard the original, the inspiring inscription, "Don't put any confidence in Lord Derby." A year ago was emblazoned on that self-same standard, "Do not trust in the noble Lord the Member for the City of London." Sir, we shall survive the want of confidence reposed in us by the right hon. Gentleman the Member for Ripon; and if the only way in which the noble Lord thinks he can make the present Government unpopular—if the only mode by which he thinks he can unseat the present Administration—is by announcing to the country that it does not possess the confidence of the right hon. Gentleman the Member for Ripon, why, then, Sir, I must express my heartfelt conviction that this time next year we shall still have the honour of serving Her Majesty.

LORD DUDLEY STUART regretted that the noble Lord the Member for London should have added the postscript to this Motion, as it gave an opportunity to the right hon. Gentleman opposite to get up a corn law and an education debate. Without the speech of the noble Member for Stamford, the country was aware of the differences that existed in the Cabinet on these subjects. He, however, was anxious to call back the attention of the House to the more legitimate topic for consideration —the case of Mr. Mather. Any one who read the despatches upon the subject must feel, despite any respect they might entertain for Lord Malmesbury's private character, that if it had been his Lordship's object to lower the country in the estimation of the world, and sacrifice the character of Mr. Mather, he could not have taken a better course. He felt bound to suppose that Lord Malmesbury desired to obtain the best redress he could for the injured party, as well as for the honour of the country, but his proceedings showed a desire to pay court to Austria. Any one who had listened to the remarks of the Chancellor of the Exchequer must have been surprised at his making statements so utterly at variance with the real state of the case. He did not think that the tone of the right hon. Gentleman in dealing with this question was such as it should have been. So far from his showing any generous indignation that a British subject should be cut down in a foreign city, the right hon. Gentleman described the injuries inflicted on Mr. Mather as arising in "an unhappy squabble." He should like to know what there had been in the conduct of Mr. Mather deserving of criticism unless that he had too easily yielded to the demands of Lord Malmesbury, to name a pecuniary compensation for the injury he had received; and when he had done so, Lord Malmesbury, in a despatch to Mr. Scarlett, which he desired should be read to the Tuscan Government, said that Mr. Mather, the father of the young man so brutally used, had demanded a sum as compensation greater than he should have asked. Lord Malmesbury had on this question pursued a course such as might have been expected from an attorney of sharp practice, except that the Foreign Secretary had pursued that course in the character of an attorney for his own client—he first urged Mr. Mather to demand pecuniary compensation, and when he had acceded to that, said to him—"You shall have that, but not so much as you ask." He would here take the opportunity of observing that he had been misrepresented by Mr. Scarlett, in his despatch of the 10th of April, and that he had been perfectly correct in his statement that no apology had been offered to Mr. Mather. Mr. Scarlett, who he must say had been ill-treated by the Foreign Office, though in his opinion he had not altogether acted rightly, took the view he had done, that reparation should have been demanded from Austria and not from Tuscany. He would ask the Government what they now proposed to do? The country wanted to know whether they were going to do anything further, or whether they were going to sit down under this outrage to the honour and dignity of the country. Lord Malmesbury, in one of his early despatches to Sir H. Bulwer, had written to say that if reparation were not afforded, the mission to Tuscany would be closed, and that ulterior steps would be taken. Would the Government take those ulterior steps? If not, they would suffer the deepest humiliation. And now he would ask why all the despatches relating to this case had not been laid on the table? Why were the letters of Mr. Mather and other letters excluded? It could not be on the ground that they were trivial, for others were given of so trivial a character that they could hardly be expected to be found in a list of despatches. It appeared to him that the whole affair from beginning to end had been a bungle on the part of Lord Malmesbury. He would remind the House that this was not the only outrage on a British subject that had occurred in Tuscany, for they found Lord Granville in one of his despatches telling Mr. Mather that more outrages had occurred in Tuscany than in any other State; and Mr. Scarlett expressing a hope that such outrages would not occur again. He would ask if the Tuscans had since then mended their manners? He believed not. If these outrages were allowed to pass unredressed, it would encourage foreign nations to repeat the insults heaped upon England. The character of this country was not so degraded under the administration of the noble Lord the Member for Tiverton. He took care to sustain the honour of the country. He did not know whether a British frigate was going to Leghorn; he did not know whether the Government were prepared to insist on redress; but if they did not, the discontent in the country would increase. They talked of appealing to the country; but he could tell them that if they went with this case of Mather and Baggs in their hands, it would not conduce much to their chance of obtaining the confidence of the English people.

SUPPLY.

Resolutions (10th June) brought up, and *agreed to.*

Resolutions (11th June), first three Resolutions, *agreed to.*

(4.) "That a sum, not exceeding 100,000*l.* be granted to Her Majesty, to defray the charge of Civil Contingencies to the 31st day of March, 1853."

Colonel SIBTHORP said, he objected to the Vote. He would not avoid commenting upon the wickedness and folly of that Exhibition, which was instituted in order to gratify the vanity of one person, and after extorting money from the poor operatives and workmen, the Government had the intolerable meanness to come now for a public grant of money to defray the salaries of various persons who were foisted into snug berths at the expense of the people. He should move the omission of 1,505*l.* from the Vote.

Amendment proposed, to leave out the words "one hundred thousand pounds," in order to insert the words "ninety-eight thousand four hundred and ninety-five pounds," instead thereof.

Question put, "That the words 'one hundred thousand pounds' stand part of the Resolution."

The House *divided*:—Ayes 116; Noes 23: Majority 93.

Resolution *agreed to.*

DISABILITIES REPEAL BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. MULLINGS said, he must object to the Bill being proceeded with at that late hour.

MR. ROUNDELL PALMER said, that he was exceedingly surprised that any opposition should have been made to the Bill. It had been introduced by a noble Lord in another place (Lord Lyndhurst), upon whose judgment and experience every reliance could be placed. The object of the Bill was simply to relieve an individual, Mr. Alderman Salomons, from certain disabilities of a most peculiar and painful character which he had incurred in consequence of acts which must be known to all hon. Members, and in the performance of which he was justified to a great extent by the diversity of opinion which prevailed in that House, and among many professional persons, with respect to the state of the law as affecting the Oaths required to be taken by hon. Members. He trusted, therefore, that the House would allow the Bill to be proceeded with.

MR. NEWDEGATE said, he should object to the passing of the Bill, on the ground that it would interfere with a suit pending in a Court of Law on the subject, and should move the postponement of the third reading until Friday next. With respect to any disabilities which had been incurred by Mr. Alderman Salomons, he had incurred them with his eyes open, and well knowing the consequences of his acts.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Friday next."

Question proposed, "That the word 'now' stand part of the Question."

MR. ROUNDELL PALMER said, he would accede to the hon. Gentleman's Amendment.

Amendment and Motion, by leave, *withdrawn;* Third Reading *deferred* till *Monday* next.

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [11th May], "That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth:"—(*Mr. Spooner:*)—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "this House will resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes,"—(*Mr. Anstey,*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

LORD ROBERT GROSVENOR said, that after hon. Gentlemen had refused to read his Bill in respect to polling places in counties, on account of the lateness of the hour, it was most inconsistent to press this question at ten minutes past two o'clock. He should, therefore, move the adjournment of the debate.

MR. BAGGE said, he should oppose the Motion for adjournment, which he treated as another obstacle thrown in the way of a decision on the Maynooth debate. The Members on his (the Government) side of the House were very much interested in the question, and were prepared to take a division upon it, which might go forth to the country as the expression of opinion by the House.

MR. SIDNEY HERBERT said, the absence of Members proved the unexpectedness of this discussion, at least on the Opposition side of the House, at the same time he would suggest the impropriety of the Government consenting to allow any division to be taken at that hour of the night. The noble Lord the Member for the City of London (Lord J. Russell) was absent, for instance; yet that noble Lord had an Amendment on the Motion, proposing that a Commission should be appointed instead of a Committee to conduct the inquiry; and, as it was a farce to suppose that any Committee could sit that Session, of course the hon. Member for North Warwickshire (Mr. Spooner) meant to alter his Motion, so that the Vote should be, whether or not the management at Maynooth was a fit subject for inquiry. With such benches, a division would be no test of the opinion of the House.

Mr. SPOONER said, he should certainly take the division. He had heard of no such Amendment as that attributed to the noble Lord the Member for the City of London (Lord J. Russell); it was not on the paper. He himself could not alter his Motion; he had no power. This question of adjournment was interdicted. It was the wish on that (the Government) side to divide on the main question.

Mr. MAGAN said, the course taken by the hon. Member was of a piece with the whole conduct pursued in reference to this question. The hon. Member had told him that he would not bring on the debate that night.

Mr. SPOONER begged to explain that what he said to the hon. Member was, that he did not expect the debate would come on, but he would bring it on if he had an opportunity.

Mr. MAGAN said, after his conversation with the hon. Member, a clear impression was left on his mind that the question would not be brought forward; and many hon. Members, to whom he had spoken, had left under that impression.

Mr. ELLIOTT said, it was the most unfair proceeding he had ever heard of, to propose a division on such an important question at that hour and in the then state of the House. It was clear the Government wanted to steal a division, so as to make a show out of doors.

Mr. NEWDEGATE said, the House would recollect the character of the last discussion on this subject. It was intended on the last occasion to defeat discussion, and he had expressed his determination to take the sense of the House on the question. He should consider that those hon. Members who voted for the adjournment were opposed to inquiry.

Mr. VINCENT SCULLY protested against the debate being resumed at this very late hour, near three o'clock in the morning, and after the House had been sitting from twelve o'clock at noon on the previous day. He objected altogether to a division upon this Motion for an adjournment being regarded as any decision of the main question. Such a decision would come entirely by surprise upon those Irish and English Members who had already left the House under the conviction that no important business could be transacted at that very advanced hour. The debate on this great question had occupied only a portion of one evening and of two morning sittings, and but three or four Roman Catholic Members had as yet been heard upon it. It was all very well for hon. Gentlemen opposite, who had had full opportunities, both in and out of the House, for ventilating every abominable imputation against the Catholic religion and the College of Maynooth, to desire now to come to a premature decision before those slanders had received their full exposure. He had taken an opportunity, some weeks since, to state distinctly that, although he did not object to, but on the contrary desired, an impartial and searching inquiry, he should certainly require to have the matter fully discussed, and should resist any inquiry of an unfair or insulting character. He did not consider that the true circumstances connected with the College of Maynooth had been as yet sufficiently laid before the House, so as to enable it to form a correct judgment. He could assure them, that in submitting the remarks he had already made, he had been actuated solely by a wish to supply material information, and not by any desire to protract discussion. Should the debate be resumed at a future day, he would feel it necessary to submit some further observations, which he would endeavour to compress into the shortest compass. This, however, was not the hour at which to renew so important a debate, although it might be an appropriate time for those who meditated such a deed of darkness as this plundering inquiry. It was exceedingly harassing to Irish Members to remain here night after night, as they had frequently done during several weeks past, watching the movements of the two Members for North Warwickshire up to two and three, and sometimes near four o'clock in the morning, acting upon the caution conveyed in the well-known lines of Horace:—

> "Ut jugulent hominem surgunt de nocte latrones;
> Ut teipsum serves non expergisceris?"

He observed an unusual array of Members of the Government occupying the Ministerial benches, as if through some preconcerted arrangement with the Member for North Warwickshire, and to assist him in carrying out this unworthy surprise upon absent Members. He thought the Government ought not to sit silent on this occasion, but that some Member of it should rise and state their feelings in regard to the present proceeding. A few night since he had heard the right hon. the Chancellor of the Exchequer interpose at two o'clock in the morning, for the purpose of stating that in his opinion the House had sat quite long enough. He wanted now to know the opinion of the same right hon. Gentleman, in regard to a continuance of the Maynooth debate at this most unseasonable hour, after other business had been already postponed, and when another measure affecting Ireland was fixed for twelve o'clock the same morning. He was aware that the Government had hitherto acted upon the policy of endeavouring to conceal their real sentiments in regard to all great public questions, including the continuance of the Maynooth grant, as to which the Premier had stated that he had "no present intentions" on the subject. He thought, however, that delusive system of concealment could not fail to be seen through at the coming elections, and that the country might well apply to the present silence of the Government those lines of Dryden:—

> "Fair hypocrites! you seek to cheat in vain;
> Your silence argues your desire to reign."

He would call upon them now to break through their deceitful silence, and to declare frankly and fairly their present intentions in regard to the continuance of the debate at this hour of the morning, and by way of surprise upon absent Members. The hon. Member for North Warwickshire had just announced most positively that he was quite determined upon having that very night a division on the main question. Now, in reference to that assertion, he (Mr. Scully) should take the liberty of observing, that having been cut short in the delivery of his speech the other day, he would be in the possession of the House upon any renewed debate, and though not wishing to trespass unduly on their time, he was equally resolved that no unfair division upon the main question should take place on that occasion.

ADMIRAL STEWART said, he must protest against the principle laid down by the hon. Member for North Warwickshire (Mr. Newdegate), that all who voted for the adjournment expressed an opinion that there ought not to be a fair and impartial inquiry.

MR. P. HOWARD thought it would be a surprise to the House to go on now with the renewed debate at nearly two hours and a half after midnight. He was determined this debate should not be carried by a sidewind; he would meet every argument fully and fairly. He had sat and listened to a debate of nine hours' duration the other night about one clergyman (the Rev. Mr. Bennett), and he was determined that this question, which affected the welfare of 500 clergymen, should not be carried by a sidewind. He did not deem it right to go into the general question at this hour, but he would give his vote in favour of the adjournment, upon the distinct understanding that he did not mean to shrink from an inquiry.

MR. HORSMAN said, he was also in favour of an adjournment at that late hour; but he thought the Government were bound to state whether they sanctioned the view of the question propounded in such an arbitrary manner by the hon. Member for North Warwickshire (Mr. Newdegate), that those who intended to vote for the adjournment would vote against an inquiry altogether.

The CHANCELLOR OF THE EXCHEQUER said, that if the House did not agree to the adjournment, the hon. Member opposite (Mr. V. Scully) would be in possession of the House, and would continue his speech. It was then his (the Chancellor of the Exchequer's) intention, with the greatest respect for that hon. Member, to go home. He was, however, very anxious, as he saw that a division must take place, that it should take place at once without any discussion. He had no desire to put upon the proposed division for adjournment the construction which the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate sought to put upon it; but, of course, every Gentleman had a right to put upon it whatever construction he pleased.

SIR BENJAMIN HALL said, that if the debate was to be resumed that night, he should be very happy to pair off with the right hon. Gentleman opposite (the Chancellor of the Exchequer), and go home too. But if the hon. Member for North Warwickshire (Mr. Spooner) wished the debate proceeded with, he ought to stay and listen to the hon. Gentleman.

If he remembered rightly, the hon. Member (Mr. V. Scully) left off his speech at the year 1814; he had therefore thirty-eight years still to go on with.

Mr. ROUNDELL PALMER said, he must confess that he could not help looking with great regret at the course which the hon. Member for North Warwickshire (Mr. Spooner) was pursuing on this question, which he believed would defeat the object the hon. Gentleman had in view, namely, to have a division that would go with some moral weight to the country. He (Mr. Palmer) should be glad to have an opportunity of expressing his views on this question, if the debate were postponed to another day; but it was a cruel proceeding either to ask Gentlemen to remain in the House at that hon. of the morning [half-past 2 o'clock], or to go away and leave a small House to represent the opinion of Parliament on so important a question.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 29; Noes 103; Majority 74.

Question again proposed.

Mr. F. SCULLY said, he must protest again pursuing the discussion at this late hour. He would suggest that the hon. Member for North Warwickshire (Mr. Spooner) should withdraw his Motion for this Session, and bring it forward next Session in a more tangible form.

Mr. SPOONER said, that he did not wish to detain the House at that hour. He was satisfied with the division which had just taken place, and he would therefore not press the Motion.

Mr. ELLIOT said, he was anxious that an inquiry should take place into the state of Maynooth; and whenever a fair Motion came before the House for that purpose, he would support it. He protested, however, against the course pursued by the hon. Members for North Warwickshire, as an understanding had been entered into that no business to which there was an opposition would be entered upon.

Sir JOHN YOUNG said, he did not think that the hon. Member had so much ground for complaint as he supposed, against the hon. Members for North Warwickshire. They had announced that they would put a certain construction upon the division that might bind them; but he did not think it would equally bind those who took a different view from them.

Mr. GLADSTONE said, he felt bound to make protestation on behalf of the meaning of words. There was something in them of a stubborn and independent character, which could not be got over by a mere arbitrary construction. If the Motion on which they had just divided, could, according to the fair meaning of words, be made to mean a Motion, aye or no, to the main question, so let it be. But he must confess that the matter was very different when such a determination was not in the least understood. Many of the most eminent men in that House had not yet had an opportunity of expressing their opinions upon this question, and when it was brought on between two and three o'clock in the morning, after a portion of the other Orders of the Day had been disposed of, on the ground that the time for useful discussion had passed, it was not fair to ask the House to go on with the discussion. He therefore, although he was friendly to an inquiry, gave his vote in favour of the adjournment of the House; and he therefore, in common with many others, protested against the arbitrary construction which was attempted to be put upon that vote.

Mr. NEWDEGATE said, that it had been intimated to him that this Motion was to be talked out of the House, and seeing that the time had come when it was necessary to have some decision, he had given notice that it was his intention to take the next division, whether upon the main question or upon an adjournment, as a final decision.

Mr. ROUNDELL PALMER said, he must also protest against the construction attempted to be put on the division which had just taken place. Could he, or others, have foreseen the possibility of such a construction, they might have acted differently, but he charged the hon. Members for North Warwickshire with having misled the House on the matter.

Mr. NEWDEGATE said, it was only the factious opposition which the Motion of his hon. Friend (Mr. Spooner) had met with that had induced him to declare that, whenever the subject again came on, he would proceed to a division on the question.

The CHANCELLOR of the EXCHEQUER said, he trusted at such an unusually late hour (five minutes to three) a termination might be put to the discussion. He thought that some consideration ought to be felt for the labours of Mr. Speaker; and he further proposed that the House should meet the next day at one o'clock, instead of at twelve.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, June 15, 1852.

MINUTES.] PUBLIC BILLS. — 2ª Militia; Turnpike Trusts Arrangements; Scutch Mills for Flax (Ireland).

3ª School Sites Acts Extension; Burghs (Scotland.

MILITIA BILL.

Order of the Day for the Second Reading read.

The EARL of DERBY: My Lords, I rise for the purpose of asking your Lordships to give a second reading to a Bill, the importance of which I think will not be undervalued by any of your Lordships, and which has already received the assent of the other House of Parliament, after long and persevering discussions, by overwhelming majorities, both with regard to the principle and the details of the measure. It is a Bill for reorganising and for placing in a state of thorough, or at all events of comparative efficiency, the ancient constitutional militia force of this country. My Lords, after what has taken place during the course of the present Session—after the discussions in the other House of Parliament, and the manner in which it was there received, I can hardly entertain a doubt that the principle of this Bill, at all events, and I trust its details, will be acceded to by your Lordships, and will meet with almost unanimous concurrence at your hands. I may be permitted to remind your Lordships, that at the commencement of the Session, in Her Majesty's most gracious Speech from the Throne, an allusion was made to the possible, or rather probable, increase of the Estimates for the present year; and, although in that Speech Her Majesty made no distinct reference to the particular cause of increased expenditure, yet both in the speech of the noble Earl who moved the Address in answer, and in the speech of the noble Earl the late Secretary for the Colonial Department (Earl Grey), distinct reference was made, with regard to that expenditure, to an increase in the means of the internal military defence of this country. In commenting upon that speech, my Lords, I took the liberty at the time, sitting on the other side of the House, of stating to your Lordships that I was quite sure, on my own part and on the part of friends with whom I had the honour of acting, that no consideration of party feeling or party policy would lead us to withhold our support from any pecuniary expenditure which Her Majesty's then Government might think necessary for the internal defence of this country against the possibility of foreign invasion. The noble Earl (Earl Grey) who followed me concurred in the view that I had taken, and referring more immediately to the nature of the defence which it was intended to provide, adverted to the fact that even in the United States of America—the country of all others in the world, perhaps, the least exposed to any possibility of foreign aggression — there was kept up a force of regular militia, amounting, as I think he stated, to nearer 2,000,000 than 1,000,000 of armed citizens. My Lords, shortly after this discussion took place, Her Majesty's Government gave notice of the intentions they had shadowed forth in the Speech and in the Address in answer to it, by the introduction of a Bill for the purpose of establishing a militia force in this country. Thus there was, in the first place, a universal concurrence on all sides of the House that the internal defences of the country required for our protection from the possibility of foreign aggression some further means of efficiency than we at that time possessed; and, in the second place, Her Majesty's Government further asked and obtained the assent of the House of Commons to a Resolution that a militia force should for that purpose be organised. My Lords, I beg to say now, as I took the liberty of saying at the commencement of this Session, that I do not found my concurrence in the views of Her Majesty's late Government upon this subject on any immediate apprehension which I entertain with regard to the hostile intentions of foreign Powers towards this country. On the first occasion upon which I had the honour of addressing your Lordships' House in the character of a Minister of the Crown, I took occasion to express the belief which I then entertained—a belief which subsequent circumstances have tended still further to increase and strengthen —in the personal pacific disposition of the present ruler of the French Republic. If you ask me, therefore, whether it is upon any anticipation of hostile proceedings from the personal disposition of the Prince President I am induced to call for any additional means of defence, I answer that inquiry with the most distinct and absolute negative. If, however, you go on to ask me whether I consider that the state of France and of the Continent of Europe is so firmly established, and so free from the liability to interruption, as to render it safe and possible for us to rely for that which may take place in that or in other countries upon the actual disposition of the existing rulers of those countries, then I confess I must express with much more qualification the degree of confidence which I feel, with regard to the personal disposition of the French President, and which I have no hesitation in expressing. I cannot shut my eyes—I wish I could—to the fact of the frequent changes which have taken place within late years in the Government of France. I cannot shut my eyes to the fact, that in that country there are at this moment many unquiet spirits kept down by the stern rule of military discipline, but impatient of the control to which they are subjected, and among whom in various quarters feelings are entertained by no means friendly to this country. If you ask me further whether, in that state of things, looking to the great military and naval resources of France—looking to the nearness of France to the shores of this country, to her immediate means of transport, and to the large amount of force which, within a very short period, she could, if so disposed, throw upon our shores—looking to all these circumstances, if you ask me whether I think we ought to be content with our present means of security against any possibility of insult or invasion, I answer that question with no hesitation whatever. I say it would be the height of folly and the height of madness if we were content to shut our eyes to the possibility of any contingency, however remote and however unlikely, which should for the first time for centuries inflict upon this country the calamity of a hostile descent. My Lords, when the proposition of the late Government was brought before the House of Commons, although there was a general acquiescence in the necessity not only of increasing our defensive force, but of establishing a militia, a difference of opinion prevailed in that House to which I will not further allude—I do not wish to awaken any reminiscences which might possibly be painful to some noble Lords on the other side; but I may state that a difference of opinion prevailed in the House of Commons which led to a negative of the specific plan proposed by the Government then in office for the organisation of a local militia, and to the passing of a resolution declaring that it was necessary to introduce a measure for organising and establishing a general militia—or rather I should say for the purpose of amending and consolidating the laws for regulating and maintaining the ancient militia of the country. We arrive, then, step by step, at these conclusions:—First, that all parties are agreed that our existing means of defence are insufficient; next, that all parties are, for the most part, agreed that a militia force ought to be raised; and, thirdly, that the House of Commons entertain the opinion, upon which they subsequently acted, that that militia force should be, not of a local, but of a general character, in accordance with the ancient practice and the former laws upon the subject. That, my Lord, was the position in which affairs stood at the time when I, and those with whom I have the honour of acting, were called upon to take part in Her Majesty's Councils. We took that part in a position of some difficulty; we were much pressed with regard to the measures which we should think it necessary for the service of the country to endeavour to pass previous to the period anticipated by all, and desired by none more anxiously than by those who are charged with the responsibility of Government—I mean the dissolution of Parliament at as early a period as might be consistent with the due discharge of the public business. It is undoubtedly true that, if we had been so disposed, we might have declared that we were not bound by any obligation with regard to Bills which our predecessors had thought it necessary to introduce;—we might have said that we were not responsible for the position in which the country was placed, nor were we responsible for the judgment which our predecessors had formed that a militia force ought to be introduced; and there is no doubt that, by taking such a course, we might have saved ourselves for the moment from considerable difficulty, and might perhaps to a certain degree have prevented any risk to the popularity of our Administration with the country at large. Undoubtedly we were told this Militia Bill would be objected to—as any Militia Bill would be—upon various grounds, by considerable numbers of the population of this country: and objections were in fact taken to the particular force, and certainly upon very different grounds; and there was, no doubt, from the outset, an appearance of very considerable resistance being offered to the imposition of any such burden upon the country as would be imposed by the establishment of a militia. But, my Lords, we felt that we were not at liberty to indulge in any such personal considerations. We believed that our predecessors were right in their judgment that the establishment of some effective militia force was indispensable to the security of this country against aggression; and, being of that opinion, we felt—and I took the liberty of announcing it to your Lordships—that whatever other measures we might find it impossible or difficult to pass, this was one of the measures to which we thought it indispensable to obtain the sanction of Parliament previous to advising the Crown to appeal to the country by a dissolution of the existing Parliament. My Lords, I will add further, that I thought it was a matter of considerable importance that no delay should take place in putting the measure into shape, and passing it as soon as possible. At various previous periods the re-establishment of the militia force has been a subject of anxious and earnest deliberation on the part of those who, from time to time, have been charged with the government of the country. Periods have recurred in our history—in 1840, in 1845, and again in 1848—when some immediately anticipated difficulty, some disturbance of our foreign relations, has suddenly called the attention of the country to our want of preparation to meet the exigencies of a possibly impending danger. Then hasty preparations were commenced; but the moment the immediate apprehension ceased, the danger had no sooner passed over, than, from whatever motive—whether from a desire of ease, or from a wish to avoid Parliamentary difficulty—it was forgotten, and no precautions were taken against the recurrence of similar dangers in future. My Lords, in such a state of things I saw—I stated that I saw, and I now see—serious inconvenience and serious danger. I ventured to call your Lordships' attention to the fact that the more peaceable our relations with foreign nations might be, the more incumbent it was upon us to take—without the risk of exciting jealousy on their part—such means for permanently establishing the internal defences of the country on such a footing as might save us from the necessity, at a future period, of hasty, and therefore imperfect, preparation; — such preparations so undertaken, hastily and consequently most imperfectly executed, would necessarily increase that very panic and alarm which they were intended to obviate, by providing too late the means of defence. It is not a little remarkable that that consolidation of the Militia Acts which is the basis of the existing law, was itself proposed in the interval between two wars. It was proposed and carried during the brief period of the Peace of Amiens of 1802, and was at that time introduced as a preparation for the possible recurrence of war by the Administration—I think—of Lord Sidmouth, and was supported by the separate authority of Mr. Pitt and Mr. Fox, both of whom were out of office, not as a warlike measure, but as a measure of precaution to be taken in a time of peace. We therefore felt, my Lords, that it was our duty to proceed, at all risks, in carrying through such measures for the organisation of the militia as we might think most effective for the purposes for which they were intended, and at the same time least liable to those plausible and to those solid objections which may be fairly raised against any militia law. I have said that Her Majesty's Government were bound not to look to the question whether this measure was likely to be popular with the country or not; but I am bound to add, also, that if this measure has been at any time, or if it be now—of which, I beg leave to add, I have great doubt—an unpopular measure, the greatest possible credit is due to the House of Commons, or, at least, to the great majority of that House, who, in the face of an obviously impending dissolution of Parliament, have had the courage and the patriotism to prefer the effective defence of the country and the demonstration of the real exigencies of the State to any possible risks of personal unpopularity or personal inconvenience to which they might subject themselves at their approaching meeting, which they knew to be immediately at hand, with the constituents whom they respectively represent. We had to consider, then, in what manner we could best raise an efficient force, or a force which within a short period of time might be rendered efficient in case of need, and which might at the same time be least open to the various objections to which, on the ground of personal hardship, and in certain cases of oppression and injustice, almost any Militia Bill must be liable. I believe none of your Lordships entertain a doubt that, under the circumstances, some increase of the force of this country is necessary. Whether the British Army, small as it is for the extensive and laborious duties which devolve upon it in every quarter of the globe, be adequate fully to discharge those duties, is a question into which I will not now enter; nor do I think this the time for considering whether, looking at the great amount of its duties, and the constantly increasing calls which new acquisitions and new exigencies are making upon the British Army, that Army—excellent as is its discipline, and perfect as is its organisation—is sufficient to meet, with a due regard to the comfort of the soldiers, the various demands which are made upon it. But, clearly, if it be insufficient to meet those exigencies on the narrowest scale of a peace establishment, still less is it sufficient to meet any extraordinary exigency that may arise, and still less is it capable, with its present numbers, of meeting effectively the extraordinary exigencies of a sudden invasion by a well-disciplined army, thrown, at the notice of a few hours, upon the coasts of this country. I have heard that it has been asked in the House of Commons, "If that be the case, then, why do you propose the establishment of a militia force? Why don't you propose at once an increase of 10,000 or 20,000 men to the regular Army; for 10,000 disciplined British troops would be at once a more economical, and a more effective force, than 50,000 militia?" I speak, my Lords, with great respect on a subject upon which I am not competent to express an opinion, and in the presence of the very highest authority upon such questions; but I think that, in the first place, with regard to expenditure, it would be easy to show that 10,000 regular troops would, in point of fact, for the purposes for which the militia are proposed to be raised, be a more expensive force than 50,000 militia. It is very possible that, in entering upon the labours of a protracted campaign, or under circumstances where a great battle was imminent, upon which the fate of the Empire might depend, the noble and gallant Duke at the head of the table (the Duke of Wellington) would rather have for his support 10,000 organised and disciplined troops, whose firmness under severe pressure and whose coolness under fire had been tested, than 50,000 comparatively undisciplined and raw militia. But the case of a sudden invasion of this country — an invasion not for the purpose of permanent occupation, but of insult and aggression—would render necessary, not so much organisation and discipline, as that in which alone the British Army in this country is deficient, namely, the numbers and the masses which in that case would be so absolutely requisite. I will not enter into details on this subject, but I believe it has been stated over and over again that the utmost amount of regular infantry which could at the present moment be drawn together for the defence of this country from foreign invasion—setting aside the question of the troops in Ireland—would not exceed about 24,000 men, and adding to them 8,000 pensioners — which would be a large number for them—you would only have a force of from 30,000 to 32,000 men—a small force for the defence of the country against such an army as might attempt its invasion. But, observe, this is upon the supposition that from every garrison and from every fortified place in the country you are to withdraw every single man—that you are to leave all your shipping, your stores, your harbours, your garrisons, and your fortifications absolutely without a man to defend them; and yet your whole military force would only amount to some 30,000 men. Why, for the defence, upon the most moderate scale, of the fortified places which might be exposed to insult, the whole of these 30,000 men would not provide more than an adequate garrison. If, then, you were to add 10,000 men to the regular Army, in the case I am supposing —30,000 men being required for the defence of your garrisons—the force available for active service in the field, and with which to meet a foreign invasion, would only consist of some 10,000 infantry, and about 4,000 cavalry. If, however, instead of 10,000 additional regular troops, you have immediately available 50,000, 60,000, or, as is proposed by this Bill, 80,000 militiamen, you may, the emergency arising, allot 30,000 of those militia to the garrison duty, for which they would be perfectly well qualified, assisted by a comparatively small portion of the regular troops; and it is not too much to say that you would thus set free for the general service of the country from 20,000 to 25,000 out of the 30,000 regular troops who now constitute the whole of your defensive force; and whilst you thus make a large number of the militia available for service, not comparatively unimportant, but for which they are proportionately better qualified, releasing 20,000 to 25,000 regular troops, you will also still retain at your disposal from 40,000 to 50,000 militiamen to co-operate with the regular troops released from garrison duty. Instead, then, of an army of only 10,000 regular troops, you would have a force free to act in the field of from 20,000 to 25,000 regular troops, assisted and supported by an additional force of 40,000 or 50,000 militiamen—and in that respect their co-operation would be invaluable—while at the same time your garrisons and arsenals would all be placed in a state of perfect defence. I have stated then, my Lords, not undervaluing the inestimable advantages of the discipline and the organisation of the regular Army—not pretending for a moment to compare the individual militiaman with the individual soldier—I have stated the grounds upon which the Government preferred, for the defence alone of the country, a large augmentation of the militia to a comparatively small augmentation of the regular Army. But there are various other considerations which led us to the same conclusion. An augmentation of the regular Army, undertaken at a time of immediate pressure, would be open to constant question on the part of the House of Commons, and as soon as the immediate emergency had passed over, Motions would be made, year after year, for the reduction of the force. Besides, let me take leave to say (and, although undoubtedly it is not a matter which ought to prevent your Lordships from taking any course you may think right, it is one which, under such circumstances, you ought not to omit from your consideration) that, by the establishment of a militia force, you indicate to all foreign countries that your motives are purely, strictly, and exclusively defensive. An augmentation of your naval power, and augmentation of your regular Army—the instruments of offensive as well as defensive warfare—might naturally suggest to foreign nations the propriety or expediency of a corresponding increase in their own corresponding forces; but when you limit your augmentation to troops whose services are not available for foreign warfare, but must be strictly confined to the defence of your own shores, you declare to foreign Powers in unmistakeable language that your intentions are perfectly pacific, and that your policy is exclusively defensive. I come now to the question of the peculiar mode which we have adopted for carrying into effect, with amendments, the established law of the country with regard to the militia. Let me remind your Lordships, before I go further, that that law is so absolutely and strictly the law of the country, that, without an Act of Parliament in each successive year, the Crown has not the power, though it may have the desire, to dispense with the obligation of calling into actual operation the force which it is entitled to raise under the Act of 1802. I do not wish to enter, upon this occasion into any invidious comparison between the measure we propose and that which was submitted to the consideration of Parliament by our predecessors in office. I should not be inclined to do so under any circumstances, and I am inclined to do so the less because, with a regard for the public service which I should certainly have anticipated on the part of the noble Lord (Lord J. Russell), who preceded me in the office I have the honour to hold, he communicated to me privately and personally, the Bill which it had been his intention to submit to the consideration of Parliament; and I therefore feel myself under a double obligation not to return that courtesy by any hostile comments upon any portion of his Bill which may differ from that which the present Government have proposed. At the same time, I may be permitted to say that, although the measure introduced by the late Government was a Bill for the establishment of a local militia, yet that in two most important particulars it so far deviated from the character we usually affix to a local militia Bill, that with regard to those points I can see little difference between that Bill and the measure now submitted for your Lordships' consideration. Because a local militia conveys the idea of a force not only locally raised, but of one qualified and called upon to act only in its own immediate locality; yet it was stated by the noble Lord the Member for the City of London (Lord J. Russell) in the other House of Parliament, that he felt it to be a matter of the utmost importance that a force should be provided which would be applicable to service in any part of the United Kingdom in which its services might be required; whereas, also, the laws of the local militia strictly excluded the admission of substitutes, and required all persons balloted for to serve in person, the noble Lord and his Colleagues felt so strongly the inconvenience and hardship of such a provision, that he announced his intention of departing from that principle of a local militia, and of allowing the militia—local though they were, and consequently not entitled to substitutes—to provide substitutes, thereby placing them upon the same footing as men balloted for the general militia. With regard to the number of men proposed to be raised, there is, I believe, no difference between the present Government and their predecessors. I believe 80,000 men was the force which the late Government contemplated raising. There is, however, one difference with respect to the numbers, to which I think it right to call your Lordships' attention, because arguments may be used on the one side or the other as to the regulations which it has been thought necessary to introduce. The Act of 1802 renders liable to the ballot, and consequently to service in the militia, all persons not entitled to claim exemption between the ages of 18 and 45. The late Government felt the inconvenience and hardship of the liability to the ballot extending over so long a period; but I confess, for my own part, I cannot but think they fell rather into the opposite extreme when they announced that the militia should be drawn from men between the ages of 20 and 23 only in the present year, and in subsequent years made the ballot applicable to men of a single year alone. Now, observe how this arrangement would press upon the population. The Act of 1802 provided, I believe, for raising about 40,000 militia, independent of other corps, such as the City of London Militia and the Tower Hamlets Militia. Since that period the population of this country has doubled, and rather more then doubled; consequently I should say, with reference to the population generally, that the pressure of 80,000 men upon the whole population now is not a greater pressure than 40,000 would have been upon the population in 1802. The Act of 1802 proposed to subject to the ballot all persons between the ages of 18 and 45. The Bill of the late Government, with the desire, no doubt, of obtaining the most effective recruits—with the desire also, no doubt, of avoiding as far as possible interference with family ties and settled habits of life—proposed that a militia of 80,000 men should be raised, not from the population between the ages of 18 and 45, but from the population between the ages of 20 and 23. Now, observe, the proposal of the late Government was to raise the militia from persons whose ages extended not over 27 years, but over three years, and therefore the proposed ballot would press upon the class to which it applied with ninefold the force with which the ballot of 1802 affected the population at large. I think the computation made by the noble Lord who preceded me in office was, that one-fifth of the entire male population between the ages of 20 and 23 would be liable to be balloted for and serve in the militia. We have taken an intermediate course between that proposed by the late Government and that late down by the existing law; but a course approaching much more nearly to the regulation provided by the present law than to that recommended by our predecessors. We propose that persons shall be liable to serve in the militia who are between the ages of 18 and 35—a period within which the recruits will be in the full vigour of their age, perfectly capable of discharging the duties required of them for a period of five years, and many of them will be fit persons, if they think proper, after they have gone through the period of service, to volunteer for further service if required. I have stated that the numbers we propose to take are the same as those which Her Majesty's late Government proposed, but that we propose to take them within broader limits than those which they assigned; and I cannot help thinking that it was a strong feeling of the great pressure which would fall upon the population between the prescribed ages which was one of the grounds which led the late Government to depart from the principle of a local militia, and to introduce the permissive power of providing substitutes for those who, after being drawn by the ballot, were disinclined to serve. But we thought that the power of providing substitutes does not diminish the hardship with which the ballot falls upon the population which happens to be subjected to it. It may be a matter of little importance as regards pecuniary inconvenience to any of your Lordships — though there are not many of your Lordships, I fear, who are within the prescribed ages—but to that portion who are within the prescribed ages and some few happy individuals of that class there, no doubt, are among us, I say it would be little inconvenience to them if they happened to be balloted and did not find it convenient to serve in the force; pecuniary inconvenience it would be none to find substitutes to take their places; but when it falls upon the poorer classes of the population, the hardship of the ballot and the difficulty of finding substitutes are severely felt; and I am sure your Lordships will be of opinion that, as far as consistent with the exigencies of the public service, it is desirable to avoid letting the measure fall oppressively upon the great body of the people, especially when it is remembered that the pressure in the case of the ballot falls upon the people in exact proportion to their limited means. The Bill of Her Majesty's late Government, following the Act of 1802, proposed in the first instance to proceed to the ballot. Her Majesty's present Government considered with anxiety whether it was not possible altogether to dispense with the necessity of having recourse to a mode of proceeding so adverse to the feelings of the country, and involving so much additional expense and so much inconvenience and hardship to the parties upon whom it fell, and which, after all, in 19 cases out of 20, left the actual service of the militia force in the hands of the parties who were volunteers. I may here be permitted to advert to a point of fact, with the view of showing to what extent during the late war the system of exemptions and substitutes operated, and also with the view of showing the class of persons who actually served in the militia, and how small a portion of them were actually balloted for. In the county of Middlesex it became necessary to raise a force of from 2,000 to 3,000 men. This was so late as 1831, during the existence of the Grey Administration, and the last time, I believe, the ballot was in force. Well, to raise these 2,000 or 2,500 men, there were balloted for no less than 18,000 persons; and of those 18,000 persons, after going through all the preliminary process of the ballot, there were 15,000 or 16,000 exemptions claimed and substantiated, and consequently that number of men were exempted from serving, so that there were only from 2,000 to 3,000 men actually available out of a ballot of 18,000 persons; and out of that number there were only 120 men, and no more, who served, after all the expense of the ballot, the remaining 2,000 or 3,000 having volunteered as substitutes and received bounty from the ballot men. By the system of volunteering I admit that you get a class of the population which is not perhaps the most desirable in all cases, but out of which, let me say, very good soldiers are often made. But if this is the case with respect to volunteers, and if out of 2,000 or 2,500 men who are to be raised, only 120 are actually balloted men, and the remainder substitutes, it just comes to this, that after the operation of the ballot you obtain substitutes composed of precisely the same class of men, with all their imperfections, and with all their good and bad qualities, which you get by the system of volunteering, without the previous expense and inconvenience of the ballot. I am happy to say that we have little recollection of the delay, expense, and inconvenience attending the ballot; but let me just point out some few of the steps which are necessary to be taken in such a case. In the first place, according to the present law a general meeting must be held in each county as soon as possible after the 10th of October; then come the subdivision meetings, to appoint returns to be made out of all the men between the ages of 18 and 45; then notices are to be given to all persons claiming exemption; lists are to be made out of those who have not claimed exemption; notices of appeals from persons on the nominal list are to be given in; the lists are to be verified and returns made by the subdivision meetings to the clerk of the general meetings; each general meeting has to transmit the returns to the Secretary of State; instructions have then to be given to the subdivisions with regard to the quotas they are to furnish, and a second meeting of the subdivisions must be held to follow out their instructions respecting the quotas, subject to the revision of the general meeting. Three weeks after, a third subdivision meeting has to be held for the purpose of proceeding to the ballot, and notice must be given to the men who have been chosen by the ballot. In another three weeks a fourth subdivision meeting is obliged to be held for the purpose of calling upon the men who have ultimately been chosen by the ballot to show cause, if they can, why they should not serve in pursuance of that ballot. All these proceedings, from first to last, occupy a period certainly not short of three months; and the legal and other expenses of every description which are occasioned thereby, amount to a sum which fearfully swells the estimate of the general expense of a militia force, and all which, be it observed, is, under the existing militia law, borne, not by the country at large, but by the county rates—the great bulk of the expense of the ballot, at all events, is borne by the county rates. I believe if any of the men volunteer in the regular Army, the expense of balloting to supply their places is borne by the country at large; but, as I said before, the great bulk of the expense of the ballot falls on the individual counties. We look upon this, my Lords, as a grievous and harsh burden upon the local finances of the country; and if the expense cannot altogether be avoided we desire, as far as possible, to throw it, not upon the individual counties, but upon the general funds of the country—the expenses connected with the levying, raising, and paying a militia force being undoubtedly incurred for the general purposes of the country. According to the existing law, not only the expense of the ballot, but of the bounties, is borne by the counties also. Now, we propose under this Bill to relieve the counties from these expenses, and throw them upon the country at large; but we hope and believe that in most cases we shall be able to dispense altogether with the tedious and expensive machinery of the ballot. We hoped that at the commencement of the Session; and the further information we have since received leads us to believe that in many, if not most, of the counties of England there will be no difficulty in rising the *quotas* by the introduction of the voluntary enlistment, without having recourse to the previous machinery of the ballot. A noble Friend beside me has reminded me that the bounties previously paid for substitutes were paid not by the counties, but by the individuals who were obliged to find the substitutes. If a man was chosen by ballot, he was either compelled to serve personally, or, if he declined to that, he was subjected to the pecuniary penalty of finding a substitute, which, as I before observed, fell heavily in proportion to his want of means. This inconvenience we propose and hope to be able altogether to abolish, by the introduction of the system of volunteering, and to throw the expense of providing bounties for the volunteers upon the public funds, and not upon individuals. With regard to any other modification of the existing law, I beg to remind your Lordships, also, that if this Bill do not pass, and if you do not suspend, as you have done from year to year, the operation of the ballot, the existing law, with all its inconveniences, expense, and necessary oppression, must come into operation on the 10th of October of the present year—for we have not thought it proper to do away with, but on the contrary we think it absolutely necessary to maintain, the right of the Crown, as a last resort, to call upon all its subjects to take their chance of the ballot to leave that powerful instrument in the hands of the Crown, but with the intention of using it only in the last resort, and in the case of a manifest and proved failure of the other means of raising a force. We do not propose to alter the character of the existing militia; and I lay great stress upon this, that we do not desire a force of a less constitutional character than that which the present militia law authorises to be raised—that Her Majesty's Government do not seek to obtain an army of reserve under the name of a militia; but a force subject as the present militia is to the command of the country gentry, who, in periods of danger to the country, have never hesitated to take their proper place in its defence, and who are entitled to receive, as they have received formerly, the confidence of the Crown in raising and commanding the force it is deemed necessary to raise. At the same time, my Lords, I hope your Lordships will not think it unfitting, with a view to the efficiency of the force, so far departing from the existing law as to make some alterations in the qualifications required for different ranks of officers in the militia. At present, as your Lordships are aware, the local qualification of holding landed property is required from all the superior rank of officers in the militia. We propose with respect to all the ranks below the rank of major, that instead of a property qualification being required, as at present, the fact of a person having the honour of holding a commission in Her Majesty's service shall be assumed as a sufficient qualification, although the man may not necessarily have any property qualification. At the same time, my Lords, I wish to guard myself against a misconception. We do not intend in the slightest degree to interfere with the discretion which is at present vested in the lord lieutenant in the selection of officers, and, that, although we permit persons in the rank of half-pay officers who are without a property qualification to be selected, it is left fully and entirely in the hands of the lords lieutenant of counties to choose them or not, as they please. The period for which we propose the militia shall be called out in each successive year is twenty-one days, liable to be diminished at the discretion of Her Majesty, by an order in Privy Council, to three days, in which case it would be nothing more than a mere muster, and liable also to be extended, if Her Majesty shall think fit, under certain restrictions in the Bill, to fifty-six days. I am bound to say that I do not think twenty-one days is a period in which a man can be manufactured out of a raw recruit into a perfect soldier; but at the same time I believe I shall not be contradicted when I say that a period of fifty-six days under able and intelligent officers is quite sufficient to place the rawest country recruit in a position in which he will be fully capable of discharging all the duties which in the event of an invasion are likely to fall upon him; and that even in twenty-one days he will obtain such an amount of discipline as will give him a great advantage over a person who has not hitherto been subjected to any training. I may also mention that there is a provision in the Bill which is not immaterial, enabling Her Majesty to order increased pay to any militiamen who shall be attached to the service of the artillery, and shall do duty as artillerymen. I do not think that on the present occasion it is necessary to enter into the details of the Bill, or that there is anything further of such importance in it as to render it necessary specifically to call your Lordships' attention to it. There is a provision with the view of equalising the pressure on those liable to serve, that of the 80,000 men proposed to be raised, we shall only raise 50,000 in the present year, and the remaining 30,000 in the following year. By another provision the number of 80,000 men, in case of invasion, or the imminent danger of invasion, may be increased to 120,000 men. I may just be permitted to say further, before closing the observations which I have submitted to your Lordships, with reference to the practicability of raising the men by voluntary enlistment, and without having recourse to the machinery of the ballot, that we are now proposing a system which was in operation during the whole of the last war in regard to the militia in Ireland. Throughout the whole of the last war we had no difficulty, by means of volunteering alone, in raising the amount of force then required in that country; and I may be allowed to add, that in the course of the last war, out of the English and Irish militia together, there volunteered into the regular Army no fewer than 64,000 men; and I am sure that the noble and gallant Duke beside me will say that among them were found men who, after a very short period of service, were amply worthy to stand side by side with the old trained soldiers of the Peninsular war. We propose, then, my Lords, to revert to the original and well-known constitutional system of militia; but we propose to reverse the process which has hitherto taken place; and, instead of making the system of volunteering and substitutes subordinate to and follow upon the ballot, we propose to take the ballot as a last resource; and we confidently believe that in the great majority of counties we shall be able, without the expense attending the ballot and without any difficulty, to raise by volunteering the whole force which we think it necessary to raise—with this advantage also, that whereas the militia was in point of fact formerly composed of volunteers who received a bounty from those for whom they became substitutes, the bounty will in the present case be received direct from Government. So far as there are any provisions in the Bill which are inevitably a hardship on the public, I may say that our desire has been to mitigate, rather than to aggravate, the stringency of the existing law; that while on the one hand we did not think it consistent with the high and important duties which have devolved upon us to deprive the Crown, as a last resort, of the power of compulsorily providing for the defence of the country, we desired, on the other hand, to postpone that part of the measure, at all events, till the other has been tried; but we believe that in the course of the year we shall find that it will not be at all necessary to have recourse to such a mode of proceeding; but that the spirit of Englishmen will induce them to come forward as volunteers and tender their services, not only for the trifling duties which they will be called upon to perform as militiamen for a period of twenty-one days, or it may be of three days only; but even cheerfully to take upon themselves the performance of the effective duties which would devolve upon them, in case of its being necessary to embody them for actual service. With these observations, I trust your Lordships will give at least a general concurrence to the policy of a measure which, following in the first instance the recommendations of Her Majesty's late Government, but departing from it in respect to some of the details, we have thought it our bounden duty to attempt to carry through Parliament for the purpose of giving a perfect and entire security to this country, not only against any serious attempt at invasion, but against the possibility of a hostile aggression. I have therefore now, my Lords, to move the second reading of the Bill.

Moved—"That the Bill be now read 2^a."

The Marquess of LANSDOWNE said, that he felt the importance of the subject too entirely to remain quite silent; and at the same time, as he was not prepared to give a negative to the Motion for the second reading of the Bill, it might be convenient that he should thus early state the grounds on which he assented to the measure now before the House. He could not, moreover, avoid stating the deep sense and strong conviction which he had, fortunately in common with Her Majesty's Government, fortunately in common with all those Colleagues with whom he had recently acted, and fortunately, he believed he might say, in common with the largest portion of the reflecting public of the country, that it would be utterly unsafe to leave the defences of the country in the inefficient state in which they now were. He was aware that some unpopularity attached to those who supported a measure of this kind; but be that unpopularity what it might, he would never shrink from taking his share of that unpopularity, of putting the defences of this country in an efficient state. But having said that, and whilst he abstained from opposing the measure before the House, because he felt that, in the present circumstances of the country and of Parliament, if they did not pass that measure they could adopt no other that was at all calculated to give efficiency to those defences, he was equally bound to state, fairly and without exaggeration, the doubts and difficulties which rested on his mind with respect to the efficiency of this measure, and, above all, the efficacy of this measure if it was to be considered as a solitary measure for the increase and completion of those defences. Now, what was the nature of the exigency for which they had to provide? It was not the crisis of an invasion which was to lead to a long and protracted war, such as that which occurred in Spain, attended with all the sufferings and miseries which were always inflicted upon a country in the occupation of an enemy; but Parliament had to provide such means as that, if the attempt at invasion of our shores were for one moment successful, the invading force should be instantly met and crushed by an efficient and disciplined Army. Now, would this measure give an efficient and disciplined force? After the best consideration he had been able to give to the subject, he was compelled to come to the conclusion that it would not. He had obtained all the information he could as to the time, the means, and difficulty attendant on the formation of a soldier; and when he was told that they were to look to this Bill for that security which was essential to the country, he looked to what would be the effect of twenty-one days' training, to what would be the effect of forty-two days' training, or even of fifty-six days' training, in furnishing them with that material which they wanted. And he had been told by those who spoke from the best practical knowledge that the utmost expected from collecting a number of recruits for the Army, and drilling them for twenty-one days, was, that at the end of these twenty-one days they would be able to march in a soldierly manner, but that they would not be fit to be entrusted with firearms. He had been informed that twenty-one days would be required to drill them for marching alone, and that twenty-one days more would be necessary to put them in a condition to be entrusted with a musket. Was it a force of this kind that at the end of that time, or in the course of a year, or even of a few years, they were to regard as competent to discharge the great, the urgent, and immediate duty which might be cast upon them of meeting and contending with an experienced and powerful army? The greatest calamities might result from fancying that they had such an army when they had it not. If such an army were called on to act against regular and disciplined troops, and were defeated, the result would be owing not to the want of British courage and British spirit, but to the want of what, in the face of a regular disciplined army, was no less necessary than courage and spirit—the want of discipline. He would leave their Lordships to judge of the effect of the loss of a first battle from such a cause on the moral courage, influence, and resources of the country. But he had understated the case, for all the authorities that he had consulted agreed in the opinion that a twenty-one days' drill taking place all over the country would not be as efficient as a drill of the regular soldiers for the same period. The noble Earl had altogether passed over what he considered one great defect of the Bill, namely, the great uncertainty of collecting such a body of men together again when you once had parted with them. True, it was intended to adopt the volunteer system, and he agreed with the noble Earl that the ballot was unpopular, and that it ought to be dispensed with if possible; but, on the other hand, it was to be recollected that the men who would volunteer into the militia were a class of men who would be gathered from all parts of the country—that they would be of the most locomotive description—men who went about seeking for the means of existence, which they had not, and that they were equally ready to go to all countries where they thought they could improve their condition; and when it became necessary to call them together again, the whole time of the non-commissioned officers would be occupied in searching for and pursuing them from end of the country to the other, and in bringing them back to their colours, which many of them might have manifold motives for deserting. He, therefore, could not consider that the army raised under this Bill, was or could be an army to be relied on. Looking at this as a means of supplying an efficient force (and they must not be the dupes of the name of militia in other countries, where the militia had a totally different character from what it had in this country), he could not find in the history of any country, that a militia had been available for active service at all, with the sort of training which this Bill enacted. Bodies not of the regular Army had yet distinguished themselves; but they had been constituted in a totally different manner from this militia. The American milita bore no resemblance to this, either in constitution, training, or military habits; and yet he had been informed that some of the recently raised regiments of the United States showed themselves anything but qualified for acting in military service for a long time after they were called out. In the late Mexican campaign the American militia showed themselves exceedingly inefficient and difficult to manage. From the time of Washington to the present time, they had required to be efficiently trained for a considerable period. The landwehr of Germany was not a regular army; it was a powerful auxiliary force—an army of reserve regularly trained to serve as soldiers, who went into the field in their military habits and invested with their military character. Therefore no conclusion could be drawn by reference to those forces; and it would be placing the character and undoubted courage of Englishmen in a very false position if, under any circumstances, they should be opposed in action to the fire of a regular army, composed of the choicest disciplined troops, and should be compelled, in the first two or three actions, to retire, thus disgracing themselves in the eyes of their country, lowering themselves in their own estimation, and lowering the English character in the estimation of this and other nations, by their not having undergone that discipline which was indispensable for the field, and of which no courage, spirit, or energy could supply the want. In recent times there had been a most striking instance of this deficiency, which no national spirit or courage could supply. In 1831, the first year of the present King of the Belgians, that country was exposed to a violent attack from that portion of the former kingdom of the Netherlands from which it had been severed; and a conflict ensued between the troops of Holland and Belgium, in which the latter were signally and entirely worsted. What was the reason? What was the advantage that the Dutch had over the Belgians? It was not that the Dutch troops were more attached to Holland than the Belgians to Belgium: they had proved the contrary, but because the Belgian army was imperfectly trained, and, consequently, unable to meet the Dutch troops which had the advantage of training and discipline; and Belgium would have been overrun but for the succour it obtained from other Powers. This was further illustrated by the fact that those same troops afterwards in 1848 proved, that they were wanting neither in courage nor spirit; but that they possessed those soldierly qualities which were to be acquired under a Sovereign who well know how to inspire his troops with spirit and how to form an army. He was bound to say, therefore, that he did not feel confidence in this Bill as affording an army which could be depended upon for actual service. The noble Earl had touched upon the Militia Bill of the late Government. He wished not to enter into an invidious comparison between the two measures. The noble Earl undoubtedly had a right to ask whether he (the Marquess of Lansdowne) relied on that Bill as forming an efficient army. He was bound in candour to say that he believed it would not. But he had thought it expedient that, by slow degrees, the people of this country should, without being wholly taken from their occupations, be prepared and trained to the use of arms. He looked to that being done in the most easy and convenient manner. He looked to the possibility of the men being brought from a state of inefficiency to one in which they might be useful in keeping garrisons and towns in defence in cases of emergency. He stated no new opinion when he said that neither the militia proposed, nor any other short of an army of reserve, would secure that efficiency which was necessary for the defence of the country.

He knew this view was adverse to that of many of his friends, who felt a constitutional repugnance to a standing army; but he felt that it would be childish to apply those cautions and safeguards which in another period were urged with propriety against the system of standing armies; and he thought it his duty to avow his opinion that the safest and most efficient of all forces would be found in the increase of the regular Army. In avowing this he considered not whether it was popular or unpopular. If he were in the other House, he should think it his duty to tell his constituents, that if they meant to be efficiently defended, they must make up their minds to be defended by a regular army. He felt the force of the objection of the noble Earl, namely, the security which the Constitution of this country provided against an unnecessary extension of the regular Army. The question might from time to time arise, whether the regular Army, once increased, ought not to be diminished, without having a due consideration for the state of the world which had required the increase. That was a danger he should be prepared to incur; but it was a danger to which this Bill, and every measure for a militia, was open. All these defensive measures were attended with expense and inconvenience. The vote for the militia could not be continued without the approbation of Parliament; and if the House of Commons should take a different view from that it now entertained—if other statesmen or more popular leaders should think the militia no longer necessary, it might be proposed to cut it off; and that might be done in every case. At the same time, if it afforded any facility for the formation of an army of reserve—for he would not insult an army of reserve by calling this militia one—he would accept it on that ground, believing that an army of reserve, properly constituted and disciplined, was capable of becoming nearly as efficient as a regular army. The old militia was so; but how did it become so? Not by 21 days' marching up and down the field, but because it was mixed with a regular army, imbibed its habits, and therefore became equally disciplined, and equally efficient, An army of reserve would be far preferable, and not more expensive; for the expense of this measure would prove much greater than the noble Earl imagined. In the existing state of things, when every thing was upon the move and change, when science was advancing, when habits and empires were changing, but when the universal character of that change was to give a greater impetus to military force in other countries than it had ever had before, this country ought to place itself at any expense in a condition that should enable it to repeal an attack, come from what quarter it might. He could not believe that, when the commerce and the wealth of this country had extended in the degree they had relatively to the commerce and wealth of other countries, thus presenting to those other countries, in the event of war, a greater prize to snatch at, than they had ever seen before—that the conclusion would be drawn, that this country was safe with a smaller force relative to the force of other countries than it had ever had before—in other words, that we, being the richest people in the world, were not rich enough to pay our watchmen. It was a duty which Government and Parliament owed to the country to place it in a condition of safety; and on that ground he was unwilling to offer any obstruction to the passing of his measure, though he had felt bound to point out its imperfections. He trusted that this imperfect measure would not be the only measure which Parliament and the country would have recourse to, for the purpose of placing England on that point of security which was essential to its glory, its independence, and its continued prosperity.

The Marquess of Lansdowne

The DUKE of WELLINGTON: My Lords, I am certainly the last man to have any hesitation of opinion as to the relative advantages of meeting an enemy with disciplined or with undisciplined or half-disciplined troops. The things are not to be compared at all. With disciplined troops you are acting with a certain degree of confidence that what they are ordered to perform they will perform. With undisciplined troops you can have no such confidence; on the contrary, I am afraid that those who know the materials of which such troops would be composed, would be inclined to think the chances are that they will do the very reverse of what they are ordered to do. But, my Lords, we must look a little at the state in which we stand at the present moment. This country is at peace with the whole world, except in certain parts on the frontiers of its own distant dominions, where the operations of war are carried on by means of our peace establishment. You are now providing for a peace establishment; you are at peace with the whole world; you are providing for a peace establishment. I say that that peace establishment ought to have been effectually provided for long ago. If that duty had been performed, we should not have needed now to be told, as we have been now told by the noble Marquess, about the number of days and weeks it will take to train the militia recruits, of the futility of expecting anything to the purpose from troops composed of recruits who have undergone their three weeks' or their six weeks', or what time it may be, training. We have never, up to this moment, maintained a proper peace establishment—that's the real truth; and we are now in that position in which we find ourselves forced to form a peace establishment such as this country requires upon a militia. As to the regular Army, my Lords, I tell you that for the last ten years you have never had in your Army more men than enough to relieve the sentries on duty at your stations in the different parts of the world; such is the state of your peace establishment at the present time; such has been the state of your peace establishment for the last ten years. You have been carrying on war in all parts of the globe, in the different stations, by means of this peace establishment; you have now a war at the Cape on the very frontier of Her Majesty's dominions, still continuing, which you carry on with your peace establishment; yet on that peace establishment I tell you you have not more men than are enough to relieve the sentries at the different stations in all parts of the world, and to relieve the different regiments in the tropics and elsewhere, after services there—of how long do you suppose?—of, in some cases, twenty-five years, in none less than ten years, and after which you give them five years at home, nominally—for it is only nominally in a great many cases. There were, for instance, the last troops who were sent out to the Cape;—instead of keeping them five years at home, after their long service abroad, I was obliged to send out a regiment after they had only been sixteen months at home. My Lords, I tell you you've never had a proper peace establishment all this time. We are still at peace with all the world. Form now your peace establishment—your constitutional peace establishment; and when you have got that, see what you will do next. The noble Marquess, my noble Friend, if he will allow me so to call him, says he thinks he should prefer an army of reserve. An army of reserve! What is an army of reserve? Is it an army to cost less than 40*l*. each man all round? If he thinks that possible, I tell him that I think it impossible—that we can have no such thing. But what I desire—and I believe it is a desire the most moderate that can be formed—is, that you shall give us, in the first instance, the old constitutional peace establishment. When we have got that, then you may do what you please. My Lords, the noble Marquess says, very truly, that these 50,000, or 80,000, or 150,000 militiamen won't be fit for service in six months, or twelve months, or eighteen months; but I say they'll be fit, at all events, for some service; they will certainly be able to perform some duties, and certainly they'll enable us to employ in the field others who are fit for service; and in time they will themselves become fit for service. My Lords, in the last war I had great experience of the value of several regiments of English militia, and I can assure your Lordships that they were in as high a state of discipline, and as fit for service as any men I ever saw in my life even amongst Her Majesty's troops. It was quite impossible to have a body of troops in higher order, or in better spirit, or more fit for discipline than these bodies of British militia were at the commencement of the present century up to 1810; they were as fine corps as ever were seen; and, I say, no doubt these bodies of 50,000 men or 80,000 men, whatever the number may be, will be so too, in the course of time. Everything has its beginning, and this is a commencement of an organisation of a disciplined militia; in the same way as if you are to have a corps of reserve, you must have a commencement, involving some months for disciplining them before you could have your corps of reserve ready. You must make a beginning here, and see that it will take some months before you can form reserve regiments. The armies of England, who have served the country so well, are your Lordships so mistaken as to suppose that they were ever composed of more than one-third of real British subjects—of natives of this island? No such thing. Look to all your great services. Look at the East Indies. Not more than one-third of the soldiers there are such British soldiers. Look at the Peninsula; not one-third of the men employed there were ever British soldiers. Yet I beg your Lordships to observe what services those soldiers performed. They fought great battles against the finest troops in the world; they went prepared to face everything—ay, and to be successful against everything, or this country would not have borne with them. Not one-third of those armies were British troops, but they were brave troops, and not merely brave—for I believe every man is brave—but well-organised troops. Take the battle of Waterloo; look at the number of British troops at that battle. I can tell your Lordships that in that battle there were sixteen battalions of Hanoverian militia, just formed, under the command of a nobleman, late the Hanoverian Ambassador here—Count Kielmansegge—who behaved most admirably; and there were many other foreign troops who nobly aided us in that battle, avowedly the battle of giants; whose operations helped to bring about the victory which was followed by the peace of Europe, that has now lasted for thirty-two or thirty-four years. I say, my Lords, that however much I admire highly-disciplined troops, and most especially British disciplined troops, I tell you you must not suppose that others cannot become so too; and no doubt, if you begin with the formation of militia corps under this Act of Parliament, they will in time become what their predecessors in the militia were; and if ever they do become what the former militia were, you may rely on it they will perform all the services they may be required to perform. My Lords, I recommend you to adopt this measure as the commencement of a completion of a peace establishment. It will give you a constitutional force; it may not be, at first, or for some time, everything we could desire, but by degrees it will become what you want—an efficient auxiliary force to the regular Army.

Earl GREY:* My Lords, I concur in much that fell from the noble Earl opposite (Lord Derby) in the early part of his speech. I agree with him that this country ought to be placed in a state of more complete security against any attack with which we might be threatened. I also agree that the propriety of now taking steps for that purpose, does not arise from any special circumstances of the present times, but from considerations of a more permanent kind. If, therefore, I thought, that by passing this Bill, we should really improve the defences of the country, and create a useful militia, I should agree that this measure ought to be passed; but having given to the Bill now before us the best consideration in my power, I cannot regard it as calculated to have any such effect. This opinion is strongly confirmed by the remarkable speech we have just heard. In that speech the noble Duke (the Duke of Wellington) has laid down the principles which I think ought to guide our judgment on this subject, and from which I think it may clearly be deduced that the force to be established under the provisions of this Bill will be of no real service to the country.

My Lords, this Bill is merely a revival of the former militia system. With some slight modifications, and adaptations to the existing state of things, it will bring again into operation the provisions of the Militia Act passed in 1802. Being, therefore, merely a revival of the former system, we are enabled to judge from experience what will probably be its results. Now, my Lords, I am quite aware that the militia during the late war became as valuable a force as the noble Duke has informed us it was. The militia regiments, as he has told us, were in a high state of discipline and efficiency. But I must remind you that this was not at the commencement of the war. It was after these regiments had been for some years embodied, and it is a fact not to be lost sight of, that during the war, the militia being permanently embodied—kept together in barracks—marched from one part of the country to another—and held under the same strict military discipline as the rest of the army, composed to all intents and purposes a part of our regular force, and was in fact a second army. There was obviously no reason why such an army should not be as completely efficient, or nearly as efficient, as the army of the line. I say nearly as efficient, because the militia could not be equally well officered with the army, since of course the officers of greatest enterprise and energy naturally preferred that part of the army which was disposable for active service, and in which they could hope for opportunities of distinguishing themselves. The militia was, therefore, a second army, differing from the regular army in nothing except that it was not disposable for service out of the United Kingdom. It was also fully as costly to the nation as the regular Army. The pay of the men was the same, their clothing and barracks equally expensive, and the men composing it were equally withdrawn from the productive industry of the country. So completely were these two descriptions of force of the same character, that the Ministers of the day, in their statements to Parliament of the available military strength of the country, invariably reckoned the militia and the Army together as constituting one regular force, while the volunteers and the local militia, after it was established, were spoken of distinctly.

The militia was also used during the war as a means of raising men for the regular Army of the line. Originally, as your Lordships are aware, militiamen were not allowed to volunteer into the line, but afterwards they were not only permitted but encouraged to do so, by the offer of large bounties. A careful examination of the figures would, however, clearly prove that this was neither a cheap nor an efficacious mode of raising men for the Army. The militia was raised partly by recruiting, and partly by ballot; but even the men nominally raised by ballot, were for the most part really obtained by bounty, only that bounty instead of being paid directly by the public, was paid by individuals in the price given for substitutes. The proportion of balloted men who served in person was always exceedingly small. About twenty-three out of twenty-six were substitutes in the English militia. In the Scotch militia only one per cent of balloted men served in person; and in Ireland there never was a ballot at all, except in the year 1803, for the army of reserve. The price paid for substitutes varied very much. At one time, for the army of reserve, it was as high as 100*l.* It was frequently as much as 50*l.* or 60*l.*, and at one period in the Isle of Wight, it is said to have been as low as 10*l.* Upon the whole, it would be a low average to take 30*l.* as the price paid for substitutes during the war. This price was in general raised by what were called Militia Clubs, to which most of those who were liable to be drawn belonged, and by paying a guinea, or two guineas, were entitled, in the event of their being drawn, to have substitutes paid for, out of the funds of the club. Thus the real effect of the system was to levy men by an additional bounty raised by a tax of the nature of a poll-tax on the population; a system which the noble Earl (Lord Derby) has justly stated to be unjust to the working classes of the population. All, therefore, that you have a right to infer from the experience of the last war in favour of the militia is, that when permanently embodied and disciplined like the regular Army, it became after some time almost as efficient, being quite as expensive, and less disposable than that army, and being raised by a process, not really less costly to the country than that of getting recruits by large bounties, though the apparent expense to the Treasury was diminished by an arrangement which fell with oppressive and unequal weight on the lower classes of society. It appears to me that there is nothing in this experience to show that whenever we may have again the misfortune to be involved in war, it would not be our wisest course to provide, whatever permanent force may then be required, by an addition to the army of the line.

But if I am not mistaken, the object we have in view is a different one. What we now desire is to form, as a reserve during peace, and with a view to the defence of the country on the sudden occurrence of war, a militia which, without the heavy expense of keeping in permanent pay a large body of men, and without withdrawing so many hands from the ordinary industry of the country, shall be ready, when called upon, to meet any emergency which may arise. Now, my Lords, for this purpose, you have no experience whatever of the utility of a militia. Before the great revolutionary war, it was not the practice of the nations of Europe to keep on foot such large standing armies during peace as have since been maintained; nor under the system on which war was in those days carried on, was invasion at the commencement of a war, a danger which seems to have been thought of. At the beginning of the revolutionary war especially, no such danger existed; instead of being able to attack us, it was only by the most extraordinary efforts that France was enabled to defend herself from the attacks directed against her on every side by all the Powers of Europe united against her. Hence, when prior to the declaration of war, our militia was embodied, there was no danger of its being called into action until there had been much time to discipline and prepare it for the services required from it; and it is notorious that, for a very considerable time after it had been embodied, the militia was not in a state in which it could be relied upon. Even when some of the regiments had been long enough embodied to be considered fit to be sent to Holland, I have been informed by a distinguished officer who served there, that they were found utterly useless, and were no better than a rabble. Should we again be exposed to the calamity of war, and should we again, as in the last war, embody the militia under this Bill, I have no doubt that, as before, it would after a time, when so embodied and disciplined, become an efficient force. The noble Duke tells us that, in twelve or eighteen months, the militia regiments would begin to be useful. But I submit to your Lordships that this is not what we want: the only real danger to which this country is exposed is, from a sudden and unexpected quarrel leading to a declaration of war before we have time to prepare for our defence. If we have but a very little time to collect the scattered elements of our power, this great country possesses in its wealth and resources of all kinds, and in the number, the public spirit, and bravery of its population, the means of placing itself in a condition to laugh to scorn any attack upon our shores. It is a surprise only that we have to dread: a militia, therefore, which, as the noble Duke informs us, will begin to be efficient in twelve or eighteen months after it is embodied, is of no use whatever for that which is our real object; instead of twelve months, we shall not have twelve days to prepare to meet the only danger which can be serious; and the militia, therefore, which we require, is one which shall be constantly in readiness; and of which the services may be commanded at a moment's notice.

Now, my Lords, in order to judge how far the militia to be constituted under this Bill, is likely to answer this purpose, let us in the first place consider what is the nature and extent of the service you can reasonably expect from such a force. You cannot, as the noble Duke has told us in such emphatic terms, trust for resisting trained and disciplined troops to anything but troops of the same description; you must rely, therefore, mainly on your Navy and your regular Army for the defence of the country. But you want, as a support and assistance to your regular troops, a large body of men who, without being usually withdrawn from the common occupations of civil life, shall be ready, when called upon, to come forward in defence of the country. They cannot possibly have the discipline and steadiness of regular troops; and in the absence of these advantages, they can only be rendered really useful by possessing individually such zeal, intelligence and skill, in the use of their weapons, as to make up in some degree for their wanting the knowledge of professed soldiers. With these qualifications, though they might be unable by themselves to do much, they would be highly useful as auxiliaries to the regular troops which you might be able to provide; but is it likely that on the terms you purpose to offer them, you will obtain the services of men possessing these qualifications? In addition to the bounty, your militiamen are to have only seven shillings a week, while in the north of England at this moment the common wages of a good labourer are twelve shillings per week; in the manufacturing districts they are considerably more, and are hardly so low as seven shillings even in those of the southern countries where the working population is the least well off. And for this small rate of pay, you must remember that all those who enter the militia bind themselves not merely to serve twenty-one days during peace, but further, in the event of war being declared, to serve in the embodied militia for five years, subject to all the restraints of military discipline; to be separated from their families, to be marched to the remotest parts of the United Kingdom, and to lead for that long time the life of a common soldier, without the prospective advantages to which a common soldier may look forward.

I cannot believe that any of the better class of labouring men would volunteer to serve on such terms as these. We know that even the career of the soldier is not regarded by men of that class as a good one. I believe that this is an opinion founded on a former state of things, which is now a mistaken one; and that the prospects of a labouring man who now goes into the Army with a determination to do his duty, are far from unfavourable, looking to his chances of promotion, to the various advantages held out to him under existing regulations, and to the right which is secured to him of retiring on a liberal pension after twenty-one years' service. But the militiaman will have no such prospects. Supposing him to be called upon to serve in the embodied militia during war, he has nothing to look forward to at the end of the war, or of his five years' service, but to be turned adrift, unfitted for most kinds of employment, and with the certainty of finding all the most profitable employments filled up by persons having the advantage over him from having continued at home. There is nothing, therefore, but the temptation of the bounty to induce men to engage in this service. If the 6*l.* bounty, or any considerable proportion of it, is to be paid down on enlistment, I have no doubt that the immediate possession of such a sum of money will tempt a considerable number of the least steady, least intelligent, and least industrious of the working population to enrol themselves in the force you propose to raise. But will men of this kind become, with three weeks' training, soldiers upon whom the slightest reliance can be placed? They will be much of the same class as, but, on the average, inferior to, the recruits usually obtained for the Army. But we know that a far longer time, as my noble Friend behind me (Lord Lansdowne) has already remarked, is required before a recruit, after joining his regiment, is expected to have acquired even a rudimental knowledge of his duties. Twelve or thirteen weeks is, I believe, the shortest time in which a recruit is expected to be able to take his ordinary guards, and two or three years are not considered more than is requisite to form a really efficient soldier. And this, you must remember, applies only to a few recruits brought into a disciplined regiment, where they are mixed up with a body of old and trained soldiers. When a large proportion of the soldiers of a regiment have at once to be supplied, far more time is required to render the whole body efficient. I remember perfectly well, when I had the honour of holding the office of Secretary at War, the then Commander-in-Chief, Lord Hill, and those experienced officers and excellent friends of mine, Sir Willoughby Gordon and Sir J. Macdonald, who at that time filled the situations of quarter-master and adjutant general, frequently assured me that a regiment, after returning from India, when it always requires to be renewed from the number of men discharged, ought not to be regarded as available for even peace service for at least a year, and ought to be left for that time in quarters where the attention of the officers can be exclusively directed to getting it into order, and to disciplining and training the newly raised men. And this, your Lordships will observe, applies to a regiment of which you have at least the skeleton to begin with, where the officers and non-commissioned officers, and some even of the privates, have experience in their duties. What will be the case with a militia, of which the men, the officers, and the non-commissioned officers are alike ignorant of their duties and of each other, and have everything to learn, except such of the officers as may happen to have previously served in the regular Army? Do you think that the militiaman, serving for three weeks at a time, will, in his whole five years' service (when he will have had just two weeks more training than is considered sufficient to qualify a recruit in a regular regiment to stand sentry) have acquired, even by the time you have dismissed him, an amount of military knowledge which will render his services of the slightest value, even if you can be sure that he will be forthcoming when called upon? A regiment composed entirely of such men must, for a long time after it is permanently embodied, be positively useless. But this is not all; you have further to consider what security you have that, after their first three weeks' training, these men will be found again when you want them? They must, if peace continue, be dismissed at the end of that time; and till they are wanted again for the next annual training, or till some danger makes it necessary to call out the force, you will have no right to exercise the slightest control over their actions: they may go where they like, and do what they please. The consequence is, that they will inevitably become scattered over the country in such a manner as to render it a matter of great difficulty to reassemble them. The necessity of getting work must lead them to disperse, even if they all mean honestly to fulfil their engagement. Your militiamen cannot be the labourers in regular and steady employment; such men cannot, either in the manufacturing or rural districts, be spared for twenty-one days every year—much less can they risk being required to leave their homes and serve for five years, should war unfortunately be declared; the men enrolled must, therefore, of necessity belong for the most part to the class of casual labourers—the class whose place of residence is constantly changing, and who are compelled constantly to move about, according to the variations which take place in the demand for the kind of labour expected from them. It is perfectly well known that, from this reason, it is often extremely difficult in the interval between the quarterly payments of their pensions, to find the pensioners, if from accidental circumstances it is requisite to communicate with individuals amongst them when they do not expect to be wanted. But, of course, with regard to pensioners, you possess means of tracing them—which will be altogether wanting as regards the militiamen. Even, therefore, if the latter always mean to fulfil the engagement they contract by enrolling themselves, it will be very difficult to assemble them quickly when wanted; while, I fear, it would be very rash to calculate upon their being in general very solicitous upon this head. I fear you must lay your account for finding that a very large proportion indeed of such men as are alone likely to accept the terms you offer, will do so with no other object but that of pocketing the bounty, and at the end of the first period of training, walking off with it (as they may do with perfect safety), without the slightest intention of again appearing when called for; so that when the time comes for the second annual training, those who ought to present themselves for it will be scattered over every part of the kingdom; many of them will probably be in the Australian or Californian diggings, or in the Far West of Canada or the United States.

I would beg to call your Lordships' attention, as bearing upon this point, to the large proportion of desertions from the men raised for service of this kind, during the war. By the Act passed in July, 1803, there were to have been raised for the Army of Reserve, 49,880 men—the conditions of service in the Army of Reserve, I should say, were almost precisely the same as in the militia—the difference was so slight, that it may be considered merely an additional militia, under another name. The Act I have mentioned, having required the above number of men to be raised, it was found on the first of May, 1804, that there had been actually raised 45,492 men, of whom 2,783 only were balloted men, the rest being substitutes or recruits. Of the men raised, 44,071 had joined their regiments, and no fewer than 5,651 had deserted, or been claimed as deserters from other corps, and 2,116 had been claimed by the civil power for offences they had committed. These numerous desertions had occurred within the short period of ten months, from the time when the raising of this force was commenced, and yet your Lordships must remember that these men, from the time of their being enrolled, were not for a moment removed from the control of their officers, and were placed under all the restrictions of constant military discipline; if they missed a single parade or roll-call, they were liable to be pursued at once, and punished for their absence. The militiamen you are now going to raise will, on the contrary, at the end of their first training, have probably eleven months before they are again wanted, during which time they may go where they please, while the facilities which they will now enjoy for emigrating, or for going from one place to another within the United Kingdom, are incomparably greater than those which formerly existed. Looking, therefore, to what occurred when desertion was as difficult as it will now be easy, I do not think you have much right to expect that more than a very small proportion indeed of the men whom you may have trained for three weeks will be forthcoming when they are again called upon to serve.

I have, in the remarks I have hitherto made, assumed that you will succeed in raising the men as you propose—by voluntary enlistment; but I am far from believing that this can be depended upon; and if not, this Bill provides that, after the first of January next, Her Majesty shall be empowered to direct, by Order in Council, that they shall be raised by ballot. The ballot is to be conducted almost precisely in the same manner as formerly, and this Bill will bring again into operation, with very slight change indeed, the provisions of the Act of 1802. We are therefore bound, while we revive these almost forgotten provisions of the old law, to consider what will be their effect on the people who will become subject to their operation. My Lords, on this point I am saved from the necessity of troubling you with many of the observations I should otherwise have thought it right to offer by the speech of the noble Earl opposite (Lord Derby), who has already described to you far more forcibly than I could do, the oppressive operation of the ballot on the working classes, and the cumbrous, expensive, and inconvenient machinery by which it was enforced. While I listened to the noble Earl's description of these evils, I felt it difficult to believe that he could really mean to maintain the system which he thus strongly condemned; yet all those very provisions of the Act of 1802, which the noble Earl was so successful in proving to be in the highest degree oppressive and inconvenient, will be again brought into operation by the Bill which he invites us to pass, if Her Majesty's Government should fail in raising the required number of militiamen by voluntary enlistment before the first of January next. My Lords, I think it highly probable that the men required will not be thus procured, and that we must, therefore, look for the ballot being in a few months resorted to in order to obtain them. I am convinced that the noble Earl's description of the hardship with which it will operate on the working classes is in no degree overcharged. Take, for instance, the case of a superior mechanic or artisan, one of the sort of men who constitute a large proportion of the inhabitants of our great manufacturing towns, earning from *25s.* to *5l.* a week. Such a man cannot, of course, if drawn, serve in person—he cannot afford to risk the permanent loss of profitable employment by leaving it for three weeks for the training of a militiaman in peace; but he can much less risk, as he would do by enrolling himself in this force, being called upon if a war should suddenly break out, to join the embodied militia, to march to a distant county, there to serve for seven shillings a week, till the termination of his five years' engagement, under all the severe restrictions of military discipline, breaking up his home, and leaving his wife behind to be maintained out of the poor-rate. He will have the alternative of risking this total ruin (for to a man in his situation it is nothing less), or of submitting to the heavy fine imposed upon him by hiring a substitute. I have said that *30l.* is a low average for the cost of substitutes during the last war—looking to the present demand for labour, and the current rates of wages, I see no reason to suppose it will now be less. But that is a large sum for a working man to raise at once. It is true that he will be entitled, if he possesses less than *500l.* (and, of course, the great majority of those drawn will not possess this sum), to claim half the current price of a substitute from his parish, whether he serves in person or not. But this provision of the law, though it in some degree mitigates its oppressive character towards the poor man, is open to another objection. It will impose a very serious burthen upon the parishes, and make a very considerable addition to those local burthens, of which we are told that there is already so much reason to complain. If it could be supposed that the whole 80,000 men would have to be levied by ballot, and that none of those drawn would possess *500l.*, the charge to the parishes of England in the next two years might reach to 1,200,000*l.* Of course, the real charge would fall far below this maximum, but it must be expected to amount to a very considerable sum.

To return, however, to the case of such a man as I was speaking of; it seems to me that he could not fail to feel it as a great injustice that he should be compelled to choose between what might be utter ruin to him, or submitting to a fine of *15l.* a sum to provide which at once would probably subject himself and his family to great inconvenience and privations, for two or three years at least. The law which imposed upon him this necessity could not fail to be regarded as exceedingly oppressive, nor can I here avoid remarking that when the militia is talked of as an old constitutional force, it seems to be forgot that the system which presses thus unjustly on the working classes, as compared to the higher ranks of society, a system which, while nominally equal, is in reality so grossly and cruelly unequal, has not even long prescription in its favour; it has not yet even a prescription of 100 years. It is notorious that the old feudal militia was furnished by those holding land directly from the Crown, according to the extent of their estates, and up to so late a time as the reign of Charles II. the same principle was recognised. By the Militia Act passed in that reign a man possessing *50l.* a year, or *600l.* in money and goods, was required to provide a foot soldier; a man having *500l.* a year, or 6,000*l.*, a horse soldier; those with smaller fortunes were to club together to furnish a soldier, and those with larger fortunes were to contribute accordingly. It was not until the year 1757, that ballot, on the principle now proposed to be again brought into operation, was for the first time established. My Lords, I am convinced, that to raise men in this manner, will, in the present state of society, be felt as a crying injustice by all the most intelligent of the working classes, who will best understand its operation and its practical inequality. At present I believe this class of men to be full of loyalty and devotion to their country, prepared to submit to every sacrifice which can be shown to be really necessary, in order to maintain its honour and safety, in which they feel their own personal welfare to be deeply at stake. But a sense of injustice, though the practical hardship may fall on a few individuals only, may alienate the whole class; and with a view to our security, we shall be far from being gainers, if we thus change the feelings of this most valuable class of the population—the very strength and marrow of the country—for the purpose of obtaining a nominal militia of

80,000 men, whose services would be of little value if we could command them, and which we shall not have the slightest security of being able to obtain when they are wanted.

There are other objections to this measure which seem to me well entitled to consideration. It must inevitably, it appears to me, interfere very seriously with the recruiting for the regular Army. I am aware that, with the view of avoiding such interference, men are to be eligible for the militia up to the age of thirty-five; but practically it will be composed of much younger men. It is impossible to suppose that men who are married and in settled occupations, will enter the force; those who do so will be pretty much of the same age and class as the present recruits of the Army. Now, it is well known that when the country is in a state of prosperity, and employment, as at this moment, is abundant, it is not found that even the recruits usually required to keep up the Army can be procured without a good deal of exertion. I find, on referring to the Army Estimates, that this year provision has been made for raising rather more than 11,000 recruits, including a proposed addition of 4,000 to the establishment of the Army. Last year the number of recruits provided for was 7,000; and it may, I believe, be considered a fair average to assume that from 7,000 to 8,000 recruits are annually required to keep up our ordinary establishment. But this being the case, is it possible that you can suddenly go into the market to obtain 80,000 men of the same description, by means of a higher bounty than you give for the Army, without very seriously checking the recruiting for the latter. If you are compelled to have recourse to the ballot, this interference will be much greater, because the price for substitutes will inevitably rise far above the amount of bounty authorised by this Bill. The experience of the last war is highly instructive upon this subject. Some fourteen years ago, when I had the honour of holding the office of Secretary at War, I had occasion to look into this subject, and my attention was called to a very able report, which I am sure the noble Viscount opposite (Lord Hardinge) will remember, as it was addressed to him when he held the same office in the year 1830. This report was prepared by the late Mr. Raper, a gentleman of remarkable industry and accuracy, who had been employed in conducting the militia business of the War Office during the greater part of the war. It contained a minute and detailed account of the practical working of the various measures which were adopted for raising men for the Army and for the militia during the memorable contest with France in the beginning of the present century, in which the country was called upon to make such prodigious exertions. In this Report, after giving in great detail the numbers of men raised from month to month, Mr. Raper proceeds to sum up in the following words, the results of his former statements:—

> "Thus, then, it appears," he says, "that the ballot of 1803 reduced the ordinary recruiting from 1,827 men in a month, to an average of 688 per month (including the proportion supposed to have been raised for rank) for eleven successive months. The ballot of 1807, from 1,800 men, to half this number at the utmost; and two years afterwards, the recruiting having been brought to 1,100 per month, it was reduced by the direct or indirect effects of the ballot to an eighteen months' average of 600."

The concluding words of the extract I have read, in which Mr. Raper speaks of the indirect effect of the ballot, refer to a remarkable circumstance which he had mentioned in a preceding passage of his report, that the ballot which was ordered in 1809 checked the recruiting for the Army not merely from the time of the passing of the Act which provided for it, but from that of the first bringing in of the Bill. I am not aware whether the present Bill has already had any similar effect—probably not; but if not, it must be because there is a firm persuasion in the country that the oppressive mode of raising men by the ballot will never really be brought into operation, and that, in point of fact, the militia, for raising which we are now providing, will never be effectively established. If it had not been for this persuasion, in which I fully share, I am convinced that both Houses of Parliament would, long before this, have had most unmistakeable evidence of the real feeling of the country upon this subject.

There is another objection to this measure, to which, if it was really likely to come into operation, I should attach much importance. I have endeavoured to show you that, under the terms you offer, you are only likely to obtain the services as militiamen of the least steady, least industrious, and least intelligent of the working population. Now, if you really succeed in giving these men, by your twenty-one days' annual training, any knowledge of military discipline, it appears to me that it will be attended with no slight danger, to turn them adrift at the end of their five years' service, with this knowledge, and without the slightest hold or control over them. When the noble Viscount opposite (Lord Hardinge) introduced his most useful measure for the enrolment of the pensioners, he justly stated it to be one great advantage to be expected from it, that it would be the means of ensuring for the side of order, instead of for the side of disorder, the services of all the old soldiers discharged from the Army, some of whom might otherwise, in times of civil commotion, be induced to take part with mobs, to which the presence of a very few men accustomed to military discipline would give a very dangerous character.

Since the noble Viscount stated this reason in support of his measure, there has been fresh and striking proof in France of the truth of his observation; and it has been found how much the danger of intestine commotion has been increased in that country by a system which leaves in the ranks of the population a number of persons trained as soldiers, but over whom the State preserves no control whatever. Looking, therefore, to the sort of persons who are likely to serve in the militia, either as substitutes or volunteers, and who, if the measure succeeds at all, will be left, at the end of five years, entirely uncontrolled, and with a certain amount of military training, it appears to me that this may hereafter be a source of considerable danger to the country. The population is at this moment generally contented, and free from political excitement—very much, I believe, owing to the prosperity of which they are in the enjoyment, and to the feeling that they have no cause of complaint against the Legislature or the Government; a state of things which is one of the happiest results of our recent commercial policy. But, my Lords, though this is the present state of things, we must remember that this country has not by any means been always exempt from seasons of agitation amongst the working classes, during which a disposition to violence and outrage has been manifested, rendering a display of military force necessary for the maintenance of the public peace. We know that so lately as 1840 and 1841, it was necessary to send troops at very short notice to Manchester and Birmingham; and, confident as I am that the measures which have since been taken, by relieving the industry of the nation from the impolitic restrictions to which it was formerly subject, have done much to avert the risk of the recurrence of such dangers, and of the distress which produced them, still it would be presumptuous rashness to assume that periods of popular excitement may not again occur; and if they should, it is obvious that the danger would be greatly aggravated if there were in the mobs, ready to take the lead in all acts of violence, some thousands of men of irregular habits, and partially trained as soldiers.

The noble Earl has referred to the measure for establishing a militia which was proposed by the late Administration; and though, in doing so, he has not imputed inconsistency to those who were parties to making that proposal, and who yet oppose the measure which is now before us, such imputations have been so largely made by others, that I feel myself bound to make some remarks, for the purpose of showing that there is no ground for this accusation. The noble Earl said that he would forbear from offering any hostile criticism on that intended measure of which he had been put in possession by my noble Friend who was at the head of the late Government. I thank him for that forbearance, and I will endeavour in return to avoid, as far as possible, going into the merits of the measure he has abstained from criticising. I will only so far discuss it as may be necessary for the purpose of showing that, whether it was a good plan or a bad one, it was at all events entirely different from that now before us, and founded on totally opposite principles. Your Lordships are aware that both measures were founded mainly upon plans of defence which had been in operation during the late war; but the distinction between them was, that we took for the foundation of our measure the Acts of Parliament for constituting the local militia, while the present Bill is founded on the general Militia Act of 1802. The distinction is an important one. The general militia, as I have shown to you, was during the war merely an addition to the regular Army; whereas the local militia was described by Lord Castlereagh, in bringing in the Bill for its establishment in 1809, as intended to be a force precisely of the kind which I have endeavoured to show you to be wanted—one, namely, composed of men who were not, even in war, to be taken from their homes or withdrawn from the ordinary industry of the country, except in the case of actual invasion or imminently impending invasion—a danger which this force was always prepared to meet. The noble Earl opposite, in describing the measure of Lord John Russell, stated that it differed from a local militia, properly so termed, in two important respects, namely, in admitting substitutes, and in making the force disposable in case of imminent danger in any part of the kingdom. The noble Earl was mistaken in considering this last to be a departure from the system of the old local militia. That force, as established in 1809, was disposable in case of actual invasion wherever the danger might threaten. In this respect it precisely agreed with the proposal of my noble Friend lately at the head of the Government. But the essential characteristic of the former local militia, as of that lately proposed, was that, except in such periods of actual and urgent danger, the men composing the force were not to be marched from their own counties, or to be kept embodied. It was this exemption of those who might enter into it, from being compelled to do permanent military duty, which made formerly so great a difference in the readiness of men to enter into the local as compared to the general militia, and which we trusted would again have had the same effect. But this is not the most material difference between the two plans for providing for the defence of the country. Lord Castlereagh, in the speech to which I have already referred, stated that the local militia was not to be formed in those counties in which there were adequate bodies of volunteers. Speaking from the reports of the officers who had just been employed to inspect the volunteer corps, he stated that the volunteers were at that time, both in numbers and discipline, all that could be required, and he proceeded to add that—

> "So long as they felt inclined, and convenience permitted them to do duty, in the manner they then did, it was impossible he could imagine a force to which he would be more disposed to trust the fate and fortunes of the British empire."

But he said—

> "He must look forward to a time when the services of so large a proportion of the community would appear no longer called for by any pressing emergency."

And he described the local militia as a force intended to take the place of the volunteers, when the return of peace, or the long continuance of the war, and the subsiding of the apprehensions which had been entertained, should have cooled the

ardour of the volunteers. Every effective corps of volunteers was therefore to reckon towards the quota of each county, and local militiamen were only to be raised to supply the deficiency. Lord Castlereagh described this as intended to be a permanent arrangement, and as being even more suited to a time of peace than to a time of war; and I cannot help saying, that I think it was a very unfortunate error at the end of the war to depart from these views; and instead of keeping up the local militia—which I believe would have been capable of rendering very useful service—to keep up merely in name the regular militia, which must have cost us, since the Peace, a good deal above eight millions of money, without adding in the slightest degree to the real security of the empire. The plan of Lord John Russell was almost precisely similar to that of Lord Castlereagh; and it was its most distinguishing and important feature, that no militia was to have been raised in those counties which should otherwise provide the required quota of force, towards which not only volunteer corps but bodies of organised police were on certain terms to reckon.

I believe that much advantage would have resulted from this provision with regard to the police. It seems to me much to be regretted, that through what I regard as a very ill-judged economy, there is in most of the counties of England a very insufficient and ineffective police; and it is much to be wished that the magistrates had more generally availed themselves of the powers they possess under various Acts of Parliament, by constituting such a force in the several counties. It seems to me that allowing effective bodies of police to reckon towards the quota of force which each county was to have been bound to furnish, would have greatly tended to encourage the formation of a county police. This would have been still more the case if, as I think would have been highly advisable, a portion of the cost of the county police, like that of the metropolitan police, had been provided for by the Treasury.

I will go farther, and will say, that if the money which is now to be wasted on the proposed militia, had been applied to the establishment of a general constabulary, armed and trained on the Irish model, it would have done far more towards increasing our security in the event of war, than can be accomplished by the same expenditure on a militia, and would at the same time have rendered very useful and valuable services during peace.

My Lords, not only the establishment of police, but the formation of volunteer corps was to have been encouraged, on certain conditions, by the late Government. Your Lordships will remember, that there was, in the early part of the present year, a general disposition in the country to form volunteer rifle corps. When the change of Administration took place, applications had been made from several places for authority to form them, and it had been decided that that authority should be granted when the formation of the corps should be recommended by the Lord Lieutenant of the county, on condition that they should provide their own arms and accoutrements. It was intended that they should be required to find their own arms, not only to save the expense, but also to insure having these corps composed of men of a class that might safely be trusted, and likewise to facilitate their being trained. If the arms had been the property of the public, they could not have been left in the custody of the men without risk of loss, and thus their facilities of acquiring expertness in the use of their weapons, would have been materially restricted. I have reason to believe that upon these terms volunteer corps would have been raised sufficiently numerous to supersede any occasion for raising a militia. In the last war we had upwards of 340,000 volunteers under arms, in addition to an embodied militia, and the large Army then kept up; therefore, with our present population, 80,000 men, or a much larger number, might have been furnished without the slightest difficulty. In the rural districts, at least—perhaps it might have been different in the more busy seats of manufacture and commerce—the training of these volunteer corps sufficiently for all practical purposes, might have been effected without the least interference with the ordinary occupations of the people. Practice with the rifle would have become, as it is in Switzerland, a favourite amusement of the young men, as practice with the bow was with our ancestors. I cannot doubt that many of the principal landholders would have taken a pride in the formation of rifle corps, as they now do in raising bodies of yeomanry cavalry, and that in this manner a force of a very efficient description might have been obtained. I will ask your Lordships whether there can be any comparison as to the probable utility of such a force as, this in the case of a sudden emergency, and that of a militia of mere mercenaries, such as it is proposed to raise by the Bill before us. I believe that if we had such corps of volunteers, by means of the electric telegraph and of railways, a large portion of them might in the event of an invasion, be collected in forty-eight hours on any point which might be attacked. When the country was in danger, not a man of them, who by any exertion could be at his post, would have been absent; and though they might not have been able to execute complicated manœuvres in the field, or to stand in the shock of battle against the regular and disciplined troops of France or of Russia, surely the flower of the young men of England, armed with weapons of which they thoroughly understood the use, and supported by the regular troops and the formidable artillery which we have at our disposal, would have rendered an attack on this country by an invading force, an affair of extreme difficulty and danger. How far more useful would such a force be to us than an untrained militia, which the noble Duke has told the House would begin to be of some service in eighteen months after it was embodied, and which we have no security would be forthcoming when it was wanted.

I believe, that by giving this encouragement to the formation of volunteer corps, my noble Friend's measure would have provided the best possible description of reserve force against the danger of invasion, and would also have obviated all necessity of having recourse to the ballot. It was undoubtedly, in my judgment, the most important part of the whole plan. I greatly regret, therefore, that the present Administration should have reversed the decision to which we had come, and that they have determined to withhold the necessary sanction for the formation of those volunteer corps which it was in contemplation to establish when the change of Government took place. I understand that this course has been resolved upon under the apprehension that the formation of these volunteer corps might interfere with the voluntary enrolment of men in the militia. This seems to me a complete error. Whether you succeed or not in raising the militia by voluntary enrolment, it is, at all events, perfectly clear that it will be formed of a totally different class of men from those who, finding their own arms, would have gone into the volunteer corps. The latter would have been composed of the sons of the gentry and farmers, and the yeomanry of the country, men who never would think of exposing themselves, by enlisting in the militia, to be called upon to perform the duty of common soldiers in the embodied force for five years, if war should unfortunately occur. Hence the two descriptions of force could not at all have interfered with each other; and it is, in my opinion, a most unfortunate error to have refused to allow the formation of volunteer corps.

Lord John Russell proposed not merely to allow the formation of volunteer corps, but also to have encouraged the voluntary enrolment of men in the local militia. On this point the noble Earl opposite made a mistake as to the provisions of the proposed measure, which he said was only to have admitted of substitutes after the ballot, not of the voluntary enrolment of men in the force before the ballot had been held. Since the noble Earl spoke, I have referred to the draft Bill which had been prepared, and I have found, as I supposed, that the enrolment of men, provided they were of the same class as those who were to have been subject to the ballot, was not only to have been permitted, but to have been encouraged by reducing the period of service of those so enrolled as compared to that of balloted men. The nature of that service was also to have been rendered as little onerous as possible, not only by exempting this force from the risk of being embodied, except when actually and urgently wanted, but also by an arrangement calculated to enable the men to obtain the training that was required without leaving their own homes, and without materially interfering with their ordinary occupations. For this purpose three hours' exercise was to count as a half-day. It was also intended that only young men, before the age when they are usually married and settled in life, should have been liable to the ballot. By these provisions, the objections to that mode of raising men would have been greatly mitigated; at the same time, I am bound frankly to admit, that they would not, in my opinion, have been by any means removed, nor should I have considered the measure one which could properly be recommended to Parliament, had I believed that there was any risk under the arrangements we proposed, that the ballot would have to be brought into practical operation. I conceived that the authority given for having recourse to it—to use the noble Earl's words—in the last resort, would have acted merely as a stimulus to the formation of volunteer corps. My Lords, I regret to have detained you so long by this reference to a measure which has been abandoned, and which it is therefore no longer worth while to discuss. I will not attempt to state the many considerations in support of the plan which occur to me, but I venture very confidently to assert, that whether it were a good one or a bad one, it was, at all events, so different from that now before us, and founded upon so entirely opposite a principle, that whoever approves of the one, can hardly fail, from that very circumstance, to disapprove of the other.

Before I conclude, my Lords, I must beg your permission to make some few remarks on the general subject of the defence of the country—a subject of which the question before us forms, in fact, but one part, which cannot be properly considered without looking a little at the whole. My Lords, I cannot too strongly express my conviction that our main reliance for the safety of the country must be on our regular land and sea forces, and more especially on our Navy. We ought, in my opinion, under all circumstances to keep up such a naval force that on the breaking out of a war, no matter how suddenly it may occur, we may be perfectly certain of having from its very beginning a clear and undoubted superiority on our own shores, over any naval force which France or Russia, the only other two great naval Powers of Europe, can possibly bring against us. Considering that these Powers always keep on foot, in time of peace, armies at least five or six times more numerous than that which we have at home, our maintaining such a naval superiority is a measure strictly of a defensive character, of which they have not the slightest right to be jealous, and on which, whether they are jealous or not, we ought to insist. It by no means follows that the whole of the naval force which we maintain for the purpose of insuring our superiority in the Channel, in the event of war, ought always to be kept at home; on the contrary, I believe it to be better for the discipline of our ships, that a portion of them at least should not be at home; and I am sure that, with ordinary vigilance on the part of the Government, there is no danger of our not being always able to bring home in ample time, when wanted for our defence on our own shores, a part of the naval force, which may be on the Tagus or Mediterranean stations. I trust it could easily be shown that the necessity of being thus constantly prepared at sea was never overlooked by the late Administration.

The maintenance of our naval superiority greatly diminishes the amount of regular land forces we must keep at home in order to be safe, but it by no means supersedes the necessity of having always a respectable regular force ready on land. What we want, as I conceive, is such a force as to render it impossible to attempt an attack upon us with a comparatively small army. If we are so destitute of means of defence at home, that a comparatively small army could inflict upon us great and perhaps irreparable injury before we were in a position to repel the attack, I believe it to be perfectly possible that such an army might elude the vigilance of our Navy, and might be thrown upon our shores, and also that it might be worth the while of an enemy to attempt to strike such a blow. But if we are so strong at home, that nothing but a large, well-equipped army, carrying with it supplies for some little time, and a powerful artillery, with the horses to make that artillery available, could venture an attack, I am persuaded that the vessels required for the conveyance of such a force could not possibly be collected and bring it over in the face of a superior naval force. This, I believe, to be much more impossible than formerly, since the invention of steam, which has greatly added, as it seems to me, to the advantages we possess at sea. Hence, my Lords, I conceive it to be our policy to keep on foot such an army as may always be able, with the assistance of any irregular or reserve force we may have, to resist anything but a large army sent to attack us. Believing this to be all that is really required, I cannot regard our existing means of defence as nearly so inadequate as it is the fashion to represent them; and I am happy to think that a good deal was done towards increasing these means during the late Administration. I find, on comparing the force at home in January last with that which we found on the appointment of the late Administration in July, 1846, that the numbers at home of that part of the Army which is under the direct orders of the Commander-in-Chief, was, within three or four hundred men, the same at both periods, notwithstanding the heavy demands of the Kafir war; while, before we left office, arrangements had been made for bringing home from colonial service, without relieving them, two regiments, which, I am quite certain, may be spared with perfect safety from their previous stations. The estimates, also, which we had submitted to Parliament, provided for an increase of 4,000 rank and file in this part of the Army. In the artillery, there had already been an increase of about 3,000 men in our home force since July, 1846; and the estimates of the present year provide for a further addition of another thousand men, so that, in this description of force—that in which it is most necessary to be well prepared beforehand, as it takes the longest to form—we shall now have nearly double the disposable strength which we had at the commencement of Lord J. Russell's Administration. In addition to this, we have also, by the formation of the Dockyard battalions, and the increase of the Enrolled Pensioners, the means of rendering available, wherever it may be wanted, a much larger proportion of our regular force.

But, my Lords, though much has been done, I think more is still required to enable us, on the sudden breaking out of a war, to command the services of a considerable amount of regularly trained and disciplined troops on whom alone I am persuaded that it would be prudent to rely in meeting an enemy of the same description. I concur, however, with the noble Earl opposite, in believing that this cannot be accomplished by a mere augmentation of the regular Army. I believe, with him, that that measure, in the state of opinion of this country, and with the form of government which we enjoy, would not answer, because, if a considerable increase were made in the Army, I am convinced that in a little time the country would get tired of seeing a large force kept up with apparently little to do, and there would be such a pressure for the reduction of the expense on the Government, no matter of whom the Administration might be composed, that it would be absolutely inevitable to give way to it, since, after all, my Lords, public opinion happily rules in this country, whoever may be the Ministers who for the time conduct its affairs Hence, I think, that a large augmentation of the regular Army is not at all expedient, and that what we ought rather to look to is, first, that we should have the means of rapidly increasing its strength when an exigency may arise; and, secondly, that we should have the whole of the comparatively small force we nominally possess in a state of the most complete and perfect efficiency. With regard to the first, some of your Lordships who take an interest in these subjects may possibly remember that in the year 1847, when I had the honour of moving the second reading of the Bill for limiting the duration of military service, I pointed out that one object of that measure was gradually to provide as a reserve, a number of trained soldiers whose services might be commanded by the promise of an ultimate pension, and who costing in the mean time a comparatively trifling amount during peace, would afford a most valuable addition to our means of defence in war. Your Lordships may remember that on that occasion a strong objection was expressed by the highest military authority — an authority to which Her Majesty's then Government could not do otherwise than defer—to encouraging the soldiers of ten years' service to accept their discharge. I need not remind your Lordships how much importance was attached by the noble Duke, who has now left the House, to retaining the old soldiers of the Army in their regiments. Of course the opinion of the noble Duke is conclusive as to the value of the services of these soldiers. No one can doubt that what he states as the result of his great experience and knowledge must be accepted as correct, and it would be the height of presumption to question his opinion on such a point. Still, admitting the fact that to part with a considerable proportion of the soldiers of ten years' service would be an injury to their regiments, it may yet be a question whether it is not worth while submitting to this loss and inconvenience during peace, for the purpose of providing an effective and inexpensive reserve for the defence of the country during war. If the military objection to parting with soldiers of ten years' service could be overcome, I am persuaded that terms might be offered to them, which they would eagerly accept, and which it would be greatly for the interest of the country to grant them. Soldiers having the good-conduct mark might be permitted to take their discharge at the end of ten years' service, with the privilege of enrolling themselves to serve at home when required, in the same manner as the pensioners. They might receive the same enrolment money, and be called out for the same number of days with the same obligation of serving longer, when required, and might be allowed to reckon two years of service of this description, as equal to one year in their regiments, with a view to the acquisition of a right to pension. The effect of this arrangement would be, that taking eighteen as the age of enlistment, a soldier at the age of twenty-eight, and having a good-conduct mark, might claim his discharge, with a view to being enrolled, and that after having for twenty-two years faithfully performed the duties thus imposed upon him, when he would be fifty years of age, he would be entitled to the pension which, if he had continued in his regiment, he might under the existing regulations, claim after twenty-one years' service, and at the age of thirty-nine. Men thus enrolled, after having been disciplined by ten years' service, and having arrived at an age when, though they would generally be glad to settle and not to be marched about the world with their regiments, they would still retain all their strength and vigour, need not be confined to garrison duties, for which in general the enrolled pensioners are only fit, but might join the depôts of their former regiments, when their services were required. They would there still find some of their former comrades, and these depôts would in this manner, far more quickly than by any other arrangement which I have heard suggested, be raised to efficient second battalions on the breaking out of a war.

I attach not less importance to the adoption of arrangements by which the whole of our nominal force at home might be rendered really effective. Your Lordships are aware that from the severe nature of the service imposed upon our Army, the number of recruits annually required to supply the vacancies in its ranks from deaths, invaliding, and discharges, are very numerous. I have already stated that they may be calculated on an average at from 7,000 to 8,000. Hence, no small proportion of the depôts at home of regiments serving abroad consists of recruits imperfectly trained, and upon whom, therefore, in time of need, no great reliance can be placed. The evil of this is aggravated by another circumstance. The depôts of our regiments being expected to perform the services required from troops during peace, are necessarily often placed in quarters where no proper facilities exist for training recruits, and more especially for teaching them that most indispensable of the qualifications of a good soldier, skill in the use of the weapon which is placed in his hands. In the densely peopled manufacturing districts, and in this metropolis, where a considerable part of the home force is required, ground for carrying on ball practice with safety is not to be found; the consequence, I fear, is, that very many of the soldiers of our Army take their place in the ranks with little or no skill in the use of firearms. It is a popular complaint, but I believe to a great extent an unfounded one, that the firearms themselves are ineffective. The real evil is much more that the soldier has never been properly taught to use the arm, such as it is, which is entrusted to him. To such an extent is this the case, that I have, within these few days, been casually informed of a fact of which I had no suspicion while I was still in office, and when it would have been of more use to me to know it—a fact which seems so incredible that I can hardly even now believe it, though it is asserted with so much confidence by those who ought to know, that I cannot refuse credit to the assertion. It is, I say, stated, that not a few of the soldiers sent out by that unfortunate ship, the *Birkenhead*, to join their regiments at the Cape, for the purpose of being immediately employed in the field against the Kafirs, actually received their first lessons in loading and firing their muskets in the few days they were at Portsmouth prior to their embarkation. It appears to me, my Lords, that there is a great defect in this part of our system; that recruits ought not to be placed on the muster rolls of their regiments until they have gone through a complete system of instruction, and that for this purpose proper places for the instruction of soldiers should be selected in situations where there is plenty of room for ball practice, and where every facility can be provided for every branch of military training. I can see no reason why our soldiers should not go through as perfect a system of training as those of some of the Continental armies are said to do, and why much of that instruction which is now given only to the sappers and miners, should not be extended to the whole Army. I believe that this last kind of instruction would be of the greatest value. In reading many years ago the conversations of Napoleon at St. Helena, I remember to have been much struck by an observation made by him as to the mistake which he considered to have been committed by generals in modern warfare, in not following the example of that great military people, the Romans, and making more use of entrenchments and defensive works constructed by the labour of the soldiers. If my recollection does not deceive me, he said that an able general, with properly trained soldiers, would in defensive warfare fight almost as much with the spade as with the musket. Certainly Napoleon must be regarded as a high authority on such a question; and it appears to me that in the defence of this country, of which the circumstances are so favourable to such measures, it would add materially to the resistance which a regular force of inferior numbers could oppose to an enemy, if both the soldiers and the officers well understood the art of constructing such defences as might quickly be thrown up by themselves, with the assistance of the labourers resident on the spot. This would be of the greatest importance, as it is possible that regular troops might be supported by large numbers of militia or volunteers; and it is well known that a force of this kind, though comparatively useless in the open field, is often found to fight with great effect behind walls or entrenchments.

I am well aware that in such a war as the last, when the country was compelled to strain every nerve, and when men, as fast as they could be raised and disciplined, had to be hurried at once into the field, it would have been impossible to establish so elaborate a system of training for our troops as I have suggested; but in peace, when there is plenty of time for the purpose, I see no reason why this should not be done. All that would be necessary would be to recruit some seven or eight thousand men in advance of anticipated vacancies in the regimental establishments, so that no soldier should join a regiment until he had undergone at least a year of the most careful preliminary training and instruction that could possibly be given to him. This would of course occasion some additional expense, but it might be met in part by a reduction of the regimental establishments, which might certainly be made without any diminution of the real strength of the regiments, if instead of having a proportion of raw recruits, every soldier in the ranks had been thus previously trained. I believe it would facilitate this arrangement, and at the same time greatly promote the discipline of the Army, if the suggestion I have already thrown out for the formation of a constabulary on the Irish model were likewise adopted, because in that case many regiments now unavoidably broken up into small detachments might be kept together in quarters more favourable to their discipline. These arrangements, I am persuaded, would add materially to the real military strength of the country, and could be carried into effect, as I believe, for less money than you now propose to waste on a militia, which will be worse than useless.

I fear that a person so entirely without any pretensions to professional knowledge of military matters as myself, may appear to your Lordships to be guilty of some presumption in expressing the opinions I have now done; I can only say in apology that these opinions rest not on technical considerations, but on considerations of common sense; that I have been led to form them from the experience of not a very small number of years, during which I have had the honour of serving the Crown, in offices which have afforded me the opportunity of closely observing and becoming acquainted with the practical working of our existing arrangements; and that I have thought it my duty to submit to your Lordships the conclusions I have thus arrived at, on the all-important subject of our National Defences. In conclusion, I have only to sum up the arguments I have endeavoured to press upon your Lordships by saying, that I object to this Bill because I am convinced that the militia which it proposes to establish will be expensive, oppressive to the working classes, and at the same time, worse than inefficient. Irrespective of the questions of expense and of the oppression of the working classes, which it will involve, important as these questions are) my firm belief is, that by passing this Bill we shall place the country not in a better but in a worse state of defence than it now is, because, though it may give us a nominal militia of 80,000 men, we have no reason to anticipate that these men will be forthcoming when they are wanted, or that even if they are so, they will be of the slightest use in guarding against the only kind of danger which we have really to fear; while for the sake of creating this nominal force, we shall risk a very serious injury to the regular Army, which must form our real safeguard. Entertaining this opinion, I must say "not-content," when the question is put for the second reading of the Bill.

The Earl of ELLESMERE said, that if he were not satisfied Ministers would not feel it necessary in the then state of the House to follow the noble Earl through the various topics which he had discussed at such length, he would not have risen to address a few observations to their Lordships; for he thought that most of the points to which the noble Earl had referred, were more fit for discussion in Committee than on the second reading of the Bill. He would confine himself to two points connected with the subject, in which he had long felt a deep interest. The first was the view he took of the necessity of the present measure; and, secondly, his reason for accepting, and, as far as he could, supporting it. It was, probably, not so well known to their Lordships as it was to himself that for some time past he had enjoyed a rather unenviable notoriety, on the supposition that he had unwisely overrated or wilfully exaggerated the risk and danger which formed the groundwork of the present Bill—for he could not imagine that any Government would incur the trouble and obloquy of bringing forward such a measure unless satisfied of its imperative necessity. For a long time his opinions on the subject had afforded amusement to gentlemen at Peace Society meetings. But now he found that this phenomenon had occurred, that a large majority of the people of this country and both Houses of Parliament displayed a general concurrence in the absolute necessity either for this Bill or for some other measure of a similar nature. He thought it would be an unfortunate and dangerous thing if this conversion and change of opinion should be ascribed to passing events, or to the character of persons in high places. For himself, having held these opinions four years ago, it was unnecessary to say that his views had not been affected by persons, things, or events in France, but rested on the constant relations of the two neighbouring countries. There were, however, in France as well as in England many roads to a spurious and temporary popularity; but he saw no reason, grounded upon any personal characteristic of Louis Napoleon, for believing that he would use his power in a direction hostile to this country, unless he found that the honour and interests of the country he ruled were concerned in such a movement. He must say he had heard much from that side of the House that evening to which he could not refuse assent. He had always held the inefficacy of irregular troops as compared with a regular force. He did not think, therefore, either this Bill or that of the late Government likely to produce troops who, if called out to meet disciplined soldiers in the field, would be found to render effectual service to the country. But there were other services which they might perform besides those in the open field. He would assume that they would be raised and called together, and, if so, they might be thrown into our garrisons; for men might move a gun and fight very well behind stone walls who would not be capable of meeting regular and disciplined soldiers in the open field. They would thus meet the great exigency of the moment, and enable the regular troops to be moved for field operations wherever they might be wanted. He had perhaps put the case too strongly, and somewhat irreverently, in an expression he had made use of on a former occasion, and which had been made the subject of considerable misrepresentation—he had said that if a superior French force were to appear before the metropolis, the Lord Mayor would meet them with the keys of the city at one gate, while the Foot Guards marched out at the other. By this expression, he merely meant that such a city as London was indefensible, and that under the circumstances stated, it would be compelled to capitulate. He did not suppose that the French would take possession of Regent-street, or march their troops into the city, so long as it had not capitulated, and the inhabitants were determined to defend it. Wherever such a course had been adopted, the invaders had suffered loss. At Buenos Ayres a body of regular troops had been driven out from the city by men who were little better than savages. This was not the modern practice of war, and all that was necessary to justify his argument was to assume that the English Army were unable to meet the invaders in the open field. When Napoleon appeared before Vienna with 100,000 men in 1805, he did not march his army into the capital at once. A large Austrian army were then in Vienna, and the course which Napoleon adopted was to take up a station where his artillery commanded the town. The Austrians knew the city would be bombarded unless it capitulated; and the Royal Family, within twelve hours, left the city, the Austrian army retired beyond the Danube, and the municipal authorities came out to Napoleon with the keys. Every one felt that the French could not be left to bombard the town. But the strongest case was that of Milan in the late war. Charles Albert was under the strongest obligations to the Milanese, and he chivalrously retired before the Austrian army to defend the capital. He had 20,000 of his best troops at Milan, which was a fortified town; but when the Austrians came up with a park of artillery, and he felt himself unable to meet them outside the walls, Charles Albert marched out at one gate, while the mayor went out at the other with the keys of the city. The best troops and the best army in the world would be, under the same circumstances, reduced to the same extremity. His allusion to the Foot Guards was not intended to impeach the bravery of that distinguished portion of the Army, for he remembered too well their many brilliant services in the field. He had only used the illustration to express the impossibility of defending a wealthy, populous, and unfortified capital from within, when an enemy in superior force were at its gates. With these views he must give his warmest support to any Government which took measures to provide for the safety and defence of the country.

After a few words from Earl Waldegrave, which were inaudible in the gallery,

On Question, *Resolved* in the *Affirmative:* Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, June 15, 1852.

Minutes.] Public Bills.—1° Militia; Consolidated Fund; Militia Ballots Suspension; Crime and Outrage (Ireland).

MAYNOOTH COLLEGE.

On the Report of the Committee of Supply being brought up,

Mr. KEOGH said, he did not know whether he was in order, but he wished to put a question to the hon. Member for North Warkwickshire. He found by the Votes that at three o'clock that morning the adjourned debate on Maynooth was further adjourned with his assent, and he wanted to ask the hon. Member when he intended to resume the discussion on his Motion, which he had managed to keep on the paper ever since the 22nd of February?

Mr. SPOONER said, the debate was not adjourned with his assent at first. He voted against the adjournment; and, as he stated last night, he took that division as a division upon the main question. He considered that division to have evinced clearly the opinion of the House, and he did not intend to take any steps further in the matter.

Mr. KEOGH supposed the hon. Member intended to move that the order relating to the adjourned debate be discharged.

Mr. SPOONER knew nothing about that.

Mr. SPEAKER said, the order did not remain on the Order book, but became a dropped order.

Mr. KEOGH: Then the House would understand that the hon. Gentleman the Member for North Warwickshire abandoned the whole concern.

Mr. BOUVERIE said, the order for the adjourned debate on Maynooth was now a dropped order, and it was open for any Gentleman to revive it by giving notice, and to keep it still hanging over their heads. He protested altogether against the division last night being taken as a division upon the main question. It was his intention to have voted with the hon. Gentleman for inquiry; but it was idle to suppose that a division upon a question of adjournment at three o'clock in the morning, upon the list of thirty-five orders of the day, was to be taken as a division upon an important question like that. The truth was, hon. Gentleman opposite were thoroughly tired and ashamed of the way in which they had been carrying on this discussion night after night, and had shrunk from a division altogether.

Mr. SPEAKER reminded the House that this question had nothing to do with the question before the House.

The Resolutions in the report of the Committee of Supply were then agreed to.

On the Report of the Committee of Ways and Means being brought up,

Mr. W. WILLIAMS rose and said, he entirely agreed with the hon. Member who had just sat down (Mr. Bouverie), and he was sorry the hon. Member for North Warwickshire had given up this question. It was not that straightforward manly way in which they ought to deal with it, and it was not consonant with the character of the hon. Member for North Warwickshire. It was his intention to have voted for inquiry, and he believed it was the wish of the great body of Roman Catholics that there should be inquiry. He was sorry the hon. Member had not given the House a fair opportunity of expressing an opinion upon the question; and he hoped the hon. Member would at once declare that he had abandoned it for this Session, or take means to obtain a fair division upon it.

Mr. ELLIOT complained, not only of the hon. Member for the course he had taken, but of the Government, who had backed him in it. Great objections were made on account of the lateness of the hour to taking the orders of the day an hour before the division on the question of adjournment of the Maynooth debate, and it was perfectly unpardonable to force upon the House any debate or decision upon inquiry into Maynooth, after all the other orders had been postponed, on the ground of the lateness of the hour. Yet that had no effect on the Government: there they sat to drive this matter down their throats. But the public out of doors would understand that it was done with the view of letting the hon. Member for North Warwickshire out of a scrape, from which he was ready to escape by any trick which could be devised for the purpose.

Mr. H. HERBERT said, the hon. Member for North Warwickshire had not answered the question which had been put to him, whether he would move that the order be discharged? It was evident last night, from the state of the Ministerial benches, there was an uncertainty on that side of the House that there was to be a division. In his experience of Parliament, short though it might be, he had never seen at so late an hour so full an attendance on the Government side of the House, whilst on the Opposition side the benches were perfectly empty. Of course he acquitted the hon. Member of any intention to bring forward the question again; because he agreed with the hon. Member for Athlone in thinking the hon. Member was ashamed and tired of it. Still, it was perfectly competent for some other hon. Gentleman to revive the subject. The hon. Member's Colleague, who felt very strongly on the subject, might take that course. Therefore he thought, as the hon. Member had expressed himself satisfied with the decision last night, and as he had chosen to put a construction on the English language which it would not legitimately bear, he ought to take some steps to remove the question from the Order book.

Mr. MUNTZ said, if hon. Gentlemen opposite were really anxious the question should again come before the House, why did they not arrange with his hon. Friend the Member for North Warwickshire a day when it should come on? He was perfectly satisfied of the sincerity of his hon. Friend, which seemed to be denied; but for various reasons he doubted the sincerity of hon. Gentlemen opposite. He thought they were not sincere, because, when a division might have been fairly taken, they prevented it by inflicting upon the House speeches of interminable length, with nothing in them. If they were sincere in wishing for inquiry, why did they not consent to it? If Maynooth was a subject which would not bear inquiry, it ought to be inquired into; and if it would bear inquiry, it would not be prejudiced by it. It was an entire misapprehension to suppose his hon. Friend the Member for North Warwickshire was anxious to get rid of the question; and he challenged those who accused the hon. Member of insincerity to prove their own sincerity by arranging with him to ask the Government for some day when a decision might be arrived at.

Colonel THOMPSON said, if Gentlemen on the Opposition side of the House wished the question to be brought to a division, why did they move an adjournment? He (Colonel Thompson) perhaps stood in a peculiar position. He was anxious to come to a *boná fide* division, because he considered himself under an obligation or agreement with his constituents not to vote against the grant to the College of Maynooth; and the last thing he should have thought of doing was, to stop the hon. Member for North Warwickshire, when he was about to take a division on his Motion. But when the adjournment was moved, there was nothing to be done but vote for it, or else give a vote to be counted with the strength of the hon. Member for North Warwickshire.

Captain MAGAN repelled the charge of insincerity preferred by the hon. Member for Birmingham (Mr. Muntz) against Gentlemen on the Opposition side of the House. He could not allow that the hon. Member for North Warwickshire was sincere in his Motion for inquiry, because the means for making inquiry were in existence, and all that could be proved before a Committee would be, that the Lord Lieutenant of Ireland had not done his duty. If what the hon. Member alleged existed at Maynooth, there was the way, if there was the will, to inquire; and from the course adopted, he (Captain Magan) thought the House would infer no such treasonable practices did exist, and that this question was a mere election cry, not of the hon. Member for North Warwickshire, but of Her Majesty's Government.

Captain SCOBELL said, he left the House before the division took place this morning, not supposing it possible that so important a question as that of Maynooth would come on in any shape at so late an hour. It was his full determination to vote for inquiry, hoping that inquiry would be a fair one; but he protested against it being supposed any decision had been come to by the House; and he hoped the hon. Member for North Warwickshire would still see if he could not take that decision upon some future day.

Mr. SOTHERON had felt so strongly that the character of the House was compromised by the protracted manner in which the discussion on Maynooth had been carried on day after day without any chance of arriving at a conclusion, or, if the Motion was affirmed, of its leading to any practical result, that it was his intention last night to have moved, though he was in favour of inquiry, that the debate be adjourned to that day three months; but seeing the empty state of the benches, he did not consider it fair, without notice to bring forward, at that hour, such a Motion. If, however, any Member should renew the debate, he should certainly move that it be adjourned to that day three months.

Mr. KEOGH, in reply to the accusation of the hon. Member for Birmingham, that Gentlemen on that side of the House had delayed this debate to such an extent by interminable speeches, that it was perfectly impossible any satisfactory decision could be arrived at, begged to state a fact which could not be questioned, that only four Members of the Roman Catholic persuasion had spoken on this question. Two of those Gentlemen were the hon. Members for the county of Mayo (Mr. Moore), and for the county of Limerick (Mr. Monsell). The hon. Member for Mayo did not occupy the attention of the House, at the furthest, beyond fifteen minutes, and the hon. Member for Limerick did not occupy the attention of the House beyond twenty minutes; whilst, on the other side, the hon. Member for North Warwickshire himself spoke for two hours and a half. He (Mr. Keogh) wished to repudiate the assertion made by the hon. Member for Birmingham, that he, at least, had ever charged the hon. Member for North Warwickshire with not being sincere on this question. On the contrary, on one of the questions of adjournment, he told the House he believed the hon. Member for North Warwickshire was perfectly sincere, though he did charge, and should continue to charge, and he believed the country, if it attended to the statistics of the question, would see no reason to doubt, that Her Majesty's Government had not a particle of sincerity on this question. ["Oh, oh!"] Let any person who said "oh!" listen to the statement he would now make to the House and the country; and if any Gentleman interested in the sincerity of Her Majesty's Government could contradict that statement, let him rise in his place and say what he (Mr. Keogh) asserted was not positively true. He made that assertion in the presence of Members of Her Majesty's Government, and he said that they had sent from this country candidates to Ireland, some of them Englishmen, and others Irishmen; that in many instances they had supplied those candidates with money; that they had furnished them with letters of introduction from the Chief Secretary for Ireland; and that those candidates on the face of their addresses had in the most open and public manner stated they were favourable to a continuance of the grant to Maynooth; and as to the Ecclesiastical Titles Bill of last Session, as the phrase ran, they were perfectly prepared to vote for its repeal. If that was Protestantism, if that was sincerity, then was the present Government Protestant and sincere. He asked the noble Lord the Secretary for Ireland (Lord Naas) whether or not he knew that the present candidate for the borough of Dungarvan—rejected by an English constituency because he was in favour of the grant to Maynooth, and opposed to the Ecclesiastical Titles Bill—he asked the noble Lord whether that hon. Gentleman was not supported by the introductions, by the letters—the money he did not want—of Her Majesty's present Government, and whether he had not stated upon the face of his address he was in favour of the grant to Maynooth, and prepared to vote for the repeal of the Ecclesiastical Titles Bill? He would refer also to the candidate for the county of Waterford (Mr. Hutchinson); he believed that candidate was a relative of the noble Lord. [Lord NAAS: No!] Well, then, he would ask, was he not supported by the whole weight and influence of the Government, and did he not declare upon the face of his address that he was "true to the hereditary principles of his family?" [An Hon. MEMBER: What are they?] It was not necessary he (Mr. Keogh) should define the meaning of hereditary in the present age; but the hon Gentleman declared that, "true to the hereditary principles of his family, he was prepared to vote for Maynooth, and to erase from the Statute-book every Act of Parliament insulting to the Roman Catholic population." He might go on with a whole catalogue, but he would name one other instance. He knew a candidate who had been sent to Ireland with the full authority and sanction of Her Majesty's present Government. He knew he was in communication with Members of the present Government, for those Members had told him he was. He knew he appeared in a particular town, and on the face of his address declared he was prepared to vote for the repeal of the Ecclesiastical Titles Bill, and was a strong supporter of the grant to the Royal College of Maynooth. That was in the morning; but having met some clergymen of the Established Church in the evening, the town was placarded with other addresses, from which that paragraph was carefully omitted. He would sum up with the exception—the only honourable and chivalrous exception, because, although the hon. Gentleman entertained views entirely contrary to his (Mr. Keogh's), he was bound to admit that hon. Gentleman had declared them in a plain, straightforward, and manly way—that exception was the address to the electors of the county of Down, which bore the name of Edwin Hill. There was not one other address which did not, either distinctly or inferentially—two-thirds of them did openly and distinctly—avow a determination on the part of the supporters of Lord Derby's Government to sustain the grant to Maynooth, and vote for the repeal of the Ecclesiastical Titles Bill. He would now return to the position from which he started. He took up the new issue which had been advanced by the hon. Member for Birmingham, and he said he never charged the hon. Member for North Warwickshire with insincerity. He believed on those benches there were many who were sincere, not only on this but on other questions of a more material nature; but he also believed they would find, before a twelvemonth passed, what an aggregate of insincerity rested on those benches before then; and if he was not mistaken, they would find that the Session of 1853 was not a whit less remarkable than that which broke up a much greater party in 1846. He repeated what he had said on this question, that Her Majesty's Government had been, were, and intended to continue to be, playing fast and loose with sincere men who sat behind them; and he would undertake to prove that to the satisfaction of any honest and candid man who would choose to examine facts for himself, undeceived by the flimsy generalities uttered by some Government Member at three o'clock in the morning.

Lord NAAS said, he did not rise to answer the general accusation which the hon. Member for Athlone had thought fit to make against Her Majesty's Government. True to his professions, the hon. Member seemed determined to show the same uncompromising hostility to every Government which sat on those benches, and to carry out the principle of the party to which he belonged—to make every Government in this country impossible. With regard to the accusations brought against himself, he (Lord Naas) indignantly denied them. On no occasion had he supplied candidates in the ensuing election either with letters or money; and the hon. Gentleman knew that the Secretary for Ireland had something else to do than to write addresses for candidates who appeared in every borough and county in Ireland. With regard to the Gentleman now standing for Dungarvan, he had not even the honour of his acquaintance; he never spoke a word to him in his life, and never wrote a letter to him, directly or indirectly. If the hon. Gentleman said in his address he would support the Government of Lord Derby, and the continuance of the Maynooth grant, he was only doing that which numbers of candidates were doing in this country; and he Lord (Naas) saw nothing inconsistent in a candidate standing before any constituency and saying he would support the Government of Lord Derby, and that he was not prepared to withdraw at present the grant to Maynooth. It was the opinion which, if he had spoken on the Maynooth question, he should have been prepared to enunciate, that, although voting for inquiry, he was not prepared to vote for a repeal of the grant. He believed no person supporting Lord Derby's Government had said more than that in Ireland; and, as to the statement that he was in any way mixed up with composing addresses or supplying candidates either with recommendations or money, he could only say that statement was utterly unfounded.

Mr. CORRY thought the hon. Member for North Warwickshire had scarcely dealt fairly with those Gentlemen who intended to support him. He was one who was anxious to vote with the hon. Gentleman in favour of inquiry; and if he had had the slightest idea it was intended to divide, he would have made it his business to remain until the rising of the House this morning.

Mr. BERNAL OSBORNE said, the noble Lord the Member for Coleraine made a charge against the hon. Member for Athlone, which could never be made against the Government to which the noble Lord belonged—that the hon. Member was extremely consistent—he accused the hon. Member of being extremely consistent in his opposition to the present Government. The hon. and learned Member for Athlone (Mr. Keogh) was consistent in his attacks upon all Governments—and he (Mr. B. Osborne) thought justly—that had not the interests of Ireland at heart; and he was sorry to say no Government he had seen sitting on those benches had paid proper attention to Irish wants and Irish grievances, which the nature of those questions required. So far from considering it any stigma that the hon. Gentleman was hostile to the Government, he rejoiced that Ireland had at length a man able, willing, and powerful enough to make known her grievances in that House. The hon. Gentleman's hostility was inconvenient to the Government, because it seldom happened that on any great question he did not put the *argumentum ad hominem* so completely as to preclude all answer. The noble Lord said he had no time to write addresses. Of that he was never accused. The noble Lord was accused of being engaged with the Government in underhand workings upon these candidates—saying to them, "You may drop all opposition to Maynooth, provided you join in the general pæan of success to the Government of Lord Derby. He (Mr. B. Osborne) knew that in the two instances of Dungarvan and Waterford, the whole weight of the Government was given to candidates who professed themselves favourable to Maynooth. In fact, this "organised hypocrisy" on all occasions where the Government was concerned, was being carried to a most disgusting extent in Ireland. He said, Away with this subterfuge, this hypocrisy—away with sending their Secretary of the Treasury to Liverpool — their dumb Secretary in that

House, who was not able to defend himself—to repeat his recantations of opinions; away with the deprecated hostility of Irish Members. He called upon the Government boldly and firmly to declare their principles. The noble Lord the Secretary for Ireland said he was for inquiry into Maynooth, but he did not wish to take away the grant without inquiry. What did that mean? The noble Lord formerly belonged to the Peelite party. When he was the great leader of the spirit duty question, he was doing so as a Peelite; but, having been pitchforked into the Chief Secretaryship for Ireland, he became a supporter of Lord Derby. He did not doubt that both the Members for North Warwickshire were perfectly sincere upon this question; but he would suggest to them that it would be wise to follow the example of a noble Lord in another place, and give fair notice of their intention to bring it to an issue in another Parliament. By the course they were now adopting, they were doing harm to their own cause, because all sensible people, seeing that there could be no fair inquiry on the eve of a dissolution, would question the sincerity of their motives. He had no sympathy with the views of the hon. Member for North Warwickshire; on the contrary, he believed them to be wrong in theory, and most vicious if carried into practice; but he had that respect for the hon. Member, that, putting all party questions aside, he advised him, for the sake of his high character, to defer the consideration of this question to another Parliament, and to move now that the order be discharged.

Mr. BERESFORD said, if the hon. Member deprecated the discussion by which so much time was consumed, he ought in particular to deprecate the morning sittings being occupied with the same subject. For his own part, he must acknowledge that he had had enough of the Maynooth debate. The hon. Member for Athlone, on the part of the Roman Catholic Members, ought to have been satisfied with the lengthy address of the hon. Member for Cork (Mr. V. Scully). The question had been fairly discussed; but he must, before sitting down, refer to something which had fallen from the hon. Member for Middlesex. That hon. Gentleman stated that the hon. Member for Athlone was justified in his opposition to Government, because it had no sympathy for Ireland. He emphatically denied the truth of that allegation, and he unhesitatingly de-

Mr. B. Osborne

clared that Government had every wish and desire to give due consideration to the wrongs and complaints of Ireland, and to carry those wishes into action. The hon. Member for Middlesex (Mr. B. Osborne) was but too ready to throw stones, not only at Governments, but at individuals. He had charged a Member of the Government with being incompetent. He had called the noble Lord at the head of the Government a *Fabius Cunctator;* but were he (Mr. Beresford) to refer to names in ancient history, he could, perhaps, find one to suit the hon. Member, and he might call him the *Thersites* of Middlesex. He would say no more on this subject, and he trusted the House would allow public business to proceed.

Mr. BOUVERIE said, the origin of this Maynooth discussion was the conduct of hon. Gentlemen opposite last night, and the House had a right to ask the hon. Member for Warwickshire, what he intended to do with this order. On any day the hon. Member might revive this order, and play again the same trick which he had played before. He wished to ask the hon. Gentleman whether he was prepared to discharge that order or not? It must be recollected, with reference to this debate, that the noble Lord the Member for London, and the noble Lord the Secretary for Ireland, had both intimated their intention of speaking upon it, and he (Mr. Bouverie) desired to protest against the question being shut up by a snatched decision at three o'clock in the morning. If the hon. Member for North Warwickshire meant to go on with his Motion, let him give notice of a day for resuming the discussion.

Mr. SPOONER said, he answered that question last night, when he said he was perfectly satisfied with the decision, and he should take no other steps in the matter. How could he move that the order be discharged, when notice had been given of three Amendments upon his Motion?

Mr. SPEAKER said, that the order was not on the paper, and therefore could not be discharged; but it was competent for any hon. Member to put the order on the paper for the purpose of moving that it be discharged.

Mr. HEYWOOD expressed his readiness to withdraw the Amendment of which he had given notice, if that would assist the hon. Member for North Warwickshire.

Mr. P. HOWARD could not understand how it was the Home Secretary had addressed a very lengthy and acrimonious speech to the House on this question, and yet the Government had sought to dispose of it at three o'clock in the morning. It was quite clear the Government owed the House some declaration of its opinion, and the more so because he saw an hon. Member opposite now standing for the important town of Liverpool, who had taken a directly opposite line from that of his leader the Chancellor of the Exchequer. Nothing could be more inconsistent than the conduct of the Government and that of the hon. Gentleman, who, by an anti-Maynooth cry, was endeavouring to rake up the embers of fanaticism amongst the electors of Liverpool.

MR. HEADLAM thought the House ought to have an answer from the hon. Member for Warwickshire to the question which was lately put to him. He understood the decision of the Speaker to be, that if the Amendments were withdrawn, it would be competent to the hon. Member to put his Motion upon the paper for any day which he might select.

MR. SPEAKER said, that the hon. Member could not put his Motion on the paper without giving notice to that effect, and that until it was placed upon the paper it must be treated as a discharged order.

MR. SPOONER declined giving any notice for the renewal of the discussion, because he felt it would be useless.

MR. HINDLEY had voted for the adjournment on the ground of common sense, and because the Chancellor of the Exchequer had stated that if the hon. Member for Cork (Mr. V. Scully) were to recommence his speech on this question, he should go home and go to bed.

The Report of the Committee of Ways and Means was then *agreed to.*

CRIME AND OUTRAGE (IRELAND) BILL.

MR. NAPIER rose to move for leave to bring in a Bill to continue an Act of the 11th and 12th of Her present Majesty, for the better Prevention of Crime and Outrage in Ireland. He said that, as it had been clearly intimated that this Bill was to be opposed on every stage, he thought the best course for him to pursue was to state at once the objects and circumstances which in the eyes of the Government justified the measure which he now asked for leave to bring in. He must first, however, express the hope that the angry observations which had been made that morning with regard to Ireland would not lead the House to enter on this subject in an improper temper, and that those discussions would not ensue which so often were irrelevantly drawn in on Irish questions; but that they would confine themselves to the merits of the Bill, and on which he was free to admit much might be observed on either side. He grounded his claim for the necessity of this Bill on indisputable facts, which he would endeavour to submit with simplicity and in a proper tone of temper. He should ask the House to consider the Bill which the Government proposed should be continued for a limited period of time. It was an Act passed by the present Parliament for a limited period. It was renewed under the late Government for a further limited period, and he thought the inquiries of the House should be directed on the present occasion to the circumstances under which that Act was passed and renewed for a further period, and whether they were substantially so similar to the present as to prove the necessity of continuing the Act. He thought it important to call the attention of the House to the exact character of that Act. It was easy to get up a number of phrases of coercion and gagging policy to go through the country influencing persons who did not examine the Bill, but who took their views of its character from those phrases; but let the House see what the character of that Act really was, and whether the circumstances of the country did not demand its continuance for a limited period. The Act he proposed to renew was originally passed in December, 1847, immediately after the present Parliament assembled. It was passed within a short period after a general election, when there had been a great deal of excitement in the country, and when the lists of crime had been in consequence aggravated. That was a circumstance which ought not to be disregarded at the present moment. They were now on the eve of another general election, and they ought not to leave Ireland unprotected during the whole period of Parliamentary agitation by those special powers in the hands of the Executive of that country for the protection of the peaceable and orderly portion of the population. This law was not intended to punish but to prevent crime. It was a wise and salutary law. It was passed with reference to a particular class of crimes which then prevailed, and it provided the Executive Government, on the advice of the Privy Council, which was not a fluctuating body, with the power, under special circumstances, of proclaiming any particular district, and, if necessary, to send down to it an additional force of police; and in particular instances where crimes were committed in a particular district, and when the ordinary powers of the Government were useless, it gave the Lord Lieutenant power of reverting to the sound principle of the old Saxon law, of making the constabulary so sent down a charge on the whole district. He thought there was nothing coercive or severe in that. The next particular portion of the Act was, that it provided that the Whiteboy code should come into force in those districts which were proclaimed. That code applied to districts in an insurrectionary state, but it could not be put in force without the continuance of this Act. The Whiteboy code also contained a very important clause, introduced by the hon. and learned Member for Hull (Mr. Baines), which made persons who screened or harboured offenders amenable to justice. A most important conviction had taken place under that provision. The Act also had a provision with regard to arms, by which the Lord Lieutenant could call upon persons in particular districts to surrender their arms. No arms excepting those which were licensed were allowed to be retained by private persons. This provided a security against lawless persons having arms, to which circumstance was to be attributed a great portion of that loss of life which had taken place from time to time in parts of Ireland. There had been various Acts of this and of a severer character with regard to Ireland. There was the Act of 1816, and the Coercion Act of 1834, which suspended trial by jury and other constitutional privileges of the subject. The present Bill was not at all analogous to those Bills, nor would he then raise any question of the details of the clauses of those Bills. But he must say when murders were taking place, and the rights of property outraged in the open day, it was indispensable that the law should be made efficient for the purpose of preventing crime and outrage. He begged to call the attention of the House to the circumstances of Ireland when the Bill became law. It was passed in December, 1847, for a limited period, and had reference particularly to agrarian outrages, with respect to which it was difficult to enforce the law of the land. It was intended to come in aid of the ordinary law, to punish outrages, and to protect life and property in those districts in which the Whiteboy confederacy existed. If this law was not continued, they would renounce the only proper law which Parliament had passed for the purpose of preventing crime and outrage in Ireland. In the year 1847, when the Act was first passed, he found that the number of agrarian outrages in the whole of Ireland was 620. He wished to rest his case on plain facts and figures, as a matter of simplicity and truth. In 1849, the year before the Act was renewed, the number of outrages was 957, and in 1851 it was 1,013, or nearly double the number when the Act passed, and one-third more than it was when the Act was renewed. Those were the agrarian outrages; and, he found, on looking over the list in another column, that in Armagh, 92, in Monaghan, 24, and in the county of Down, 65, were for threatening notices. By the late Government, proclamations had been enforced under this Act affecting twenty-one counties. In 1847, there were nine, in 1848, seven; in 1849, two, in 1850, two; and in 1851, two. Since 1850, six counties had been taken off, that was to say, the proclamations had been withdrawn. In 1851, portions of Monaghan and Armagh were proclaimed. At present seven whole counties were proclaimed, and parts of twenty-one others. If the Act were allowed to expire, which it would at the end of the present Session, all those proclamations would at once fall to the ground, and all the offences which had been committed and were punishable, all the prosecutions for threatening notices for which the writers now in jail were awaiting their trial at the next assizes, would at once fall to the ground. A case of this kind had occurred when the late Government were prosecuting Mr. O'Connell, under a temporary Act; that Act expired during the prosecution, and it immediately became nugatory. If such a result were permitted now, they would have, in fact, an effectual jail delivery in Ireland. He remembered in 1850, when the noble Lord the Member for London (Lord John Russell) was asking for the renewal of this Bill, that he did so chiefly on the ground that the Government could not take upon themselves the responsibility of allowing the licences for bearing arms to expire; and it was with a deep sense of the responsibility that he now asked the House to renew the powers of the Lord Lieutenant for maintaining the proclamations now in force. The Act was founded on the assumption that the ordinary law was not sufficient to repress crime, and experience had proved its necessity and utility. In the county of Louth alone, out of seventeen murders within the last two years, there had not been a single conviction. In the county of Monaghan, out of numerous crimes there had been only one conviction. That single conviction was a most valuable and important one, but it took place entirely under this Act. The case was a singular one. During the time that the Judges were sitting under the Special Commission, information was given to the police of two men being about to commit a murder. The police prevailed on the man whom it was intended to murder to go along the road, while they went themselves along the fields on each side of the road, and they found two men concealed in a ditch, armed with loaded blunderbusses. These men could not be indicted for a conspiracy to murder, because such was the reign of terror which prevailed that evidence could not be procured; but under the Act of Parliament now in force, which made it unlawful to be in possession of arms, the police proved the possession, and he believed that the conviction for that offence under the Special Commission was a most valuable and important one. The men were imprisoned for two years, and the result proved most valuable to the locality. At the last assizes, a man was convicted for having in his possession ammunition; and in the county of Limerick, at the last assizes, there was a conviction under the Act, respecting which he had the authority of Sir Matthew Barrington, the public prosecutor in the south, for stating that it was the means of quieting the county. The Government having been charged with the duty of maintaining the law in Ireland, he must say that he thought Parliament was bound to assist them in their efforts. He hoped the House would consent to the continuance of the law for a limited period, in order that the proclamations made under it by the late Government might not fail to produce a lasting effect, in order that offenders might not escape from jail, and in order that desperate criminals might not be able to effect their purposes during the period when Parliament would not be sitting. The House would take upon itself a fearful responsibility by refusing such a moderate request. The Government could not be responsible for the peace of Ireland if the Bill were not passed. He might be asked how it was that there was such an apparent calm in Ireland, that the Judges could go the circuits without any danger? Why, there were parts of that country in which he could walk with as little concern as in Westminster, although the confederacy existed in the locality. Persons were shot down now and then, here and there, from behind a ditch; there was no general disturbance; the confederacy was of so peculiar a character that Englishmen could form no idea of it. In the county of Louth, from the 1st of April, 1849, to the 1st of February, 1852, there were twenty-three cases connected with crimes growing out of this confederacy, and in seventeen of those cases, including several murders, not one of the parties were brought to justice. Yet that county was otherwise very peaceable and quiet. It was not the number of crimes that was so much to be regarded, as the peculiar character of them. There prevailed a regular organisation of this confederacy against life and property, not only over all Ireland, but its ramifications extended to Manchester, Liverpool, Glasgow, and other places. But the Government had not only to grapple with this huge confederacy against property, life, and law, but they had to encounter the effects of intimidation on the minds of jurors, by whom alone the law could be administered. The sheriff of the county of Louth had stated that if the protection of the constabulary, and of the law which forbade the people to carry arms, were taken away from the persons who acted as jurors, the law could never be carried into effect. To what a position would these men be exposed, who, by their oaths, were called upon to give a verdict according to the evidence, if the Legislature permitted the members of this confederacy to go about with arms in their hands! The only protection, therefore, for all the peaceable portion of Ireland was to continue the powers now vested in the Lord Lieutenant for the suppression of crime and outrage. It was not just or fair to call this a coercion law. He believed that many who were obliged to succumb to this confederacy would be glad to have the law renewed. A magistrate who had gone about the country said that in one house he saw a list of subscriptions; and on examining it he found the names of many persons who he knew would not have subscribed one halfpenny but for terror. A pound was contributed by a farmer who held only twenty acres of land. Even Dr. Cullen, the Roman Catholic Primate of Ireland, had on two occasions been led to denounce the confederacy, particularly in a pastoral letter published in January, 1851. He would ask the House this question—if the late Government were warranted in issuing these proclamations, would the present Government be warranted in revoking them where crime had increased? He had received a letter on this subject from Sir Matthew Barrington, the Crown prosecutor for the southern circuit, who said—

> "As Crown solicitor for the largest and most important circuit in Ireland, I wish to impress upon you the necessity of continuing the Crime and Outrage Act. It has been of great use, and may be required again. We had a Whiteboy prosecution of the utmost importance to the peace of the country at the last Limerick Assizes, in which it was necessary to prove the proclamation under that Act, and for which several persons were convicted. More remain to be tried for the same offence at the next assizes. What is to become of this, and similar cases, if the Act is allowed to expire? The knowledge that the Act is in force has, I have no doubt, prevented many an outrage, and I hope Parliament will not be dissolved without renewing it."

With regard to the usefulness of the law, he would observe that the evidence of Mr. Kerr showed that the noble Lord (Lord J. Russell) acted wisely in adopting the old Saxon principle of making the locality responsible for the crimes committed in it. The collection of the police rates had in many cases had the effect of arresting crime; and one person who was examined declared that he had seen parties previously belonging to the confederacy become themselves conservators of the public peace. As regarded the effect of proclamations, he would mention the following facts. In the county of Armagh the number of offences committed in the three months before the proclamation was issued was twenty-seven; in the three months afterwards, fifty. In Louth the number was eight before, and seventeen after; in Monaghan eleven before, and twenty-eight after; but in Clare it was 178 before, and fourteen after; and in Limerick 262 before, and thirty-nine after. Where the proclamation had been issued early it had gradually got to be effectual, but where it was only recently issued, it had not been attended with the same success. He also had a letter to the same effect as the one from Sir Matthew Barrington from the Lord Chancellor of Ireland, than whom there could be no higher authority. They all agreed that there must be some special power, and he (Mr. Napier) was not aware of a more mild, more moderate, or more constitutional one than was provided by this Act. It came then simply to this, whether they would renew this Act, or leave Ireland without that protection which her condition required. If by any change of the ordinary law it could be so administered as to render this special power unnecessary, no one would be more delighted than himself. He had a deep sense of the responsibility in asking the House to continue this Act for a limited period, until time had been given to accomplish that policy which he hoped would render it unnecessary; but under the present pressing circumstances he must ask Parliament again to assent to its extension, though he should be quite content to limit that extension to the 31st December next, and then until the next Session of Parliament.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to continue an Act of the eleventh year of Her present Majesty, for the better prevention of Crime and Outrage in certain parts of Ireland."

Mr. LAWLESS said, some years ago there were tithe riots through the south and west of Ireland, and stringent measures were submitted to that House for their suppression. But those measures were accompanied by remedial measures, and ultimately the causes of complaint were removed. The Attorney General for Ireland some time ago said, he had quite prepared, and would soon produce, a Bill on Tenant Right. He would ask, was this Tenant Right? The right hon. and learned Gentleman had mentioned that there were several persons, in a proscribed list, and sentenced, and from what he had stated it might be supposed their execution was imminent. He thought that statement should not have been made unless the right hon. and learned Gentleman was prepared to substantiate it. The right hon. and learned Gentleman had also alluded to Ribband conspiracies; but he contended that the Ribband associations were originated for the purpose of protection against the outrages committed by the armed members of the Orange associations. Under the Government of Lord Clarendon he should have opposed the giving these extra powers to the Executive in Ireland; and from the tone and feeling displayed by the present Government he saw no reason why they should be more trustworthy. He thought that a party engine of this nature was dangerous if left in the hands of those now exercising power in Ireland, and that

Irish Members were bound to use every endeavour to prevent the Bill being passed. Unaccompanied as it was by any ameliorative measures, he would do his utmost to defeat it, and he should certainly divide the House upon the question.

Mr. F. SCULLY said, he would support the hon. Member for Clonmel (Mr. Lawless) in his opposition to this measure. He thought it unfair of the right hon. and learned Gentleman (Mr. Napier) to bring an *exparte* statement before the House, framed upon the evidence taken before the Committee on Crime and Outrages in Ireland, when that evidence was not yet in the hands of Members. He (Mr. Scully) was a member of that Committee, and he knew the evidence extended to upwards of 6,000 questions. Until that evidence was thoroughly understood and thoroughly sifted, how could the House fairly decide upon continuing the system of coercion commenced in 1847? It was all very well for the right hon. and learned Gentleman to say this was not an invasion of the rights of individuals—that it was not a suspension of the Constitution; but he wanted to know whether the making a man liable to two years' hard labour for having arms in his house was not an infringement of the constitutional rights of the subject. Was such the state of the law in England or in Scotland? Another objectionable feature was the saddling upon proclaimed districts the expense of a police force, for the parties who were compelled to pay it were often entirely innocent. The Lord Lieutenant would have the arbitrary power to send 300 or 500 policemen to any part of Ireland. That might be very useful on the occasion which was just approaching, to keep the country quiet, that the candidates might have the support of the Government at the next election; but it was not the less unjust to make innocent districts pay the penalty for crimes of which other districts had been guilty. Another very severe clause, which did not exist in England or Scotland, was that by which constables, when a crime was committed, might call upon all individuals to follow the perpetrators of it, and if they refused, they were made guilty of a misdemeanour. Reverting to the subject of the Crime and Outrage Bill, he must complain that the witnesses proposed by those who agreed with him in opinion, had been almost unanimously rejected. The House would be surprised when he stated, that the first resolution proposed by the Attorney General for Ireland, in the Committee of which he was the Chairman, was in substance for the continuance of this Act for a limited period; and that after discussion the Committee rejected the resolution. The evidence given before the Committee was very important; that of the assistant barrister for the county of Monaghan showed that Acts of this nature were totally useless and unnecessary. Another witness stated that there had been no evidence of crime resulting from conspiracy since the late Special Commission. Why, then, in the face of such evidence, require this Bill? It had been stated that the prime movers of this Ribband conspiracy consisted only of some ten or twelve persons, and those of the lowest class and well known to the magistracy and to the Government. He contended, that in justice to the people who were assailed by this Bill, namely, the members of the Ribband societies—the members of other societies should be dealt with in a similar manner. They were all secret societies, and if they put down Ribbandism they ought to put down those societies with which Ribbandism had always been in a state of antagonism. The whole case appeared to him to be entirely a party measure. It was clearly proved before the Committee that these crimes arose principally from the disorder in the relations between landlord and tenant; and when the Bill was first introduced in 1847, they were promised remedial measures. Five years had elapsed, and he wanted to know what had become of the remedial measures which both the late and the present Government had promised? In the absence of those measures he thought it unfair and unjust to ask the House to give their assent to the renewal of the Bill. He could not see why the Act should extend to twenty-one counties in Ireland. He thought no cause had been shown for its continuance in many of those counties. The criminal returns proved a general decrease in the numbers of offenders and outrages. In Ulster, in 1849, the number of committals was 6,370; in 1850, 5,260, or showing a decrease 17·66 less per cent. In Munster, in 1849, the number of committals was 17,179; in 1850, 12,773, showing a decrease of 25 per cent. In Leinster, in 1849, the number of committals was 11,636, and in 1850, 9,198, showing a decrease of 20 per cent. In Connaught, in 1849, the number of committals was 6,784; in 1850, 4,095, showing a decrease of 39·7 per cent. The particulars of crimes gave the same result. The cases of murder in Ireland were in 1847, 117; in 1848, 195; in 1849, 170; and in 1850 they had fallen to 113. The same was the result in assaults, and in all those crimes which arose from the disorder in the relations between landlord and tenant, with very few exceptions. He would take the opportunity of asking why the annual returns of crime in Ireland for 1851 were not yet delivered, when the returns for the year previous were dated in April? He presumed it was because it bore out what he had stated, that crime had greatly decreased; and in proof of that statement he could appeal to the charges of the Judges, who, through the grand juries, congratulated the country upon its improved condition. He maintained that Orange societies ought to be put down as well as Ribband associations, and that this was an entirely party measure. He regretted that the land question, which was admitted to be at the bottom of all the crime in Ireland, had been left untouched by the present Government, though they had objected, not to the principle, but to the details, of the Bill brought in by the hon. Member for Rochdale (Mr. W. S. Crawford). It was not just to continue coercive measures under such circumstances, and he, for one, would give every opposition in his power to the Bill.

Mr. SHARMAN CRAWFORD said, he had opposed every proposition that had been made for coercive measures in Ireland, upon the ground that they had not been accompanied by remedial measures. He did not impugn the sincerity of the right hon. and learned Gentleman opposite in promising remedial measures for Ireland, but many difficulties might arise in the meantime, and his Government might not be in existence when he was ready to bring them forward. The people of Ireland, therefore, might be disappointed. He should, therefore, oppose this Bill.

Mr. CHISHOLM ANSTEY said, he considered that no case had been made out to justify the House passing this measure. It would not touch Ribbandism; if they wished to put that down they must grant remedial measures. Such Bills as these took all responsibility away from the Government. The Lord Lieutenant had sufficient power to suppress the crimes to which this Bill related, but the Government shrunk from the responsibility. Such a law as this was wholly ineffectual for its purpose. Good men would not require it, and bad men would resist it. [*Cries of* "Divide!"] He knew the object of those cries. Ministers wanted another "count out." He would sit down upon condition that they were not to be forced to a condition—

Mr. KEOGH said, he objected to a Bill of this kind, as being an isolated measure, without any regard to the social wants of the people of Ireland. The Bill gave the Lord Lieutenant of Ireland the power to send any amount of constabulary force to a proclaimed disturbed district, and thus to make the innocent pay for the offences of the guilty. The Bill also gave power to any common constable to search the person of any of Her Majesty's subjects for arms in a proclaimed district, and this was an unconstitutional power which he could not consent to give. Another reason why he would oppose the Bill was, that the Government had not given notice of their intention to introduce it, until after the evidence given before the Crime and Outrage Committee had been closed. He denied that the Government was in possession of any materials to warrant them in asking for extraordinary powers. He had been taunted for taking a different course on this occasion to that which he did on a similar measure when formerly introduced. But he felt he was perfectly consistent in supporting a measure under special circumstances when he believed that a case was made out for it; and in opposing a similar one under other circumstances when no case had been made out to justify its being enacted as a law. In 1846, the present Chancellor of the Exchequer, when speaking in the debate on the Coercion Bill introduced by the late Sir Robert Peel, said—

> "For my own part, I should be, under any circumstances, loth to join in passing a Coercion Bill for Ireland. If I saw such a Bill recommended by a majority of the Members for Ireland, on whatever side of the House they may sit, I should certainly come to its consideration with feelings very different to those with which I entertain this measure; which all the Irish Members opposite oppose as tyrannical, and which most of the Members for Ireland behind me denounce as futile. But, Sir, I cannot forget that this is not the first Coercion Bill which Ireland has been supposed to require, which we have passed, and which have been so ineffectual that there have been repeated appeals to us for novel powers."—[3 *Hansard*, lxxxvii. 518.]

But there then followed some very remarkable words from the right hon. Gentleman, not as demonstrating any inconsistency in his conduct, but as showing that men might take a different course of action under different circumstances. The right hon. Gentleman said—

> "I, for one, am not prepared, under any circumstances, to support a Coercion Bill which shall stand isolated, and be taken into consideration without reference to the social state of Ireland generally."—[*Ibid.*]

Those were the words of the right hon. Gentleman in 1846, and now, in 1852, he was supporting this Bill. It had been stated that Government had been most anxious to deal liberally with the people of Ireland, and in the address of the right hon. Gentleman to his constituents the other day, he used these remarkable words, "The claim of Ireland to the consideration of Parliament is irresistible." Had not the Members for Ireland, then, a right to complain that a Government who made such declarations as these should not introduce any Bill for Ireland except this one Bill, which had been properly characterised as a measure of coercion? The right hon. and learned Gentleman the Attorney General for Ireland had put the facts in an exaggerated form. He (Mr. Keogh) had in his hand a comparative statement of crime and outrage in Ireland for the years 1849, 1850, and 1851. The numbers of persons arrested for such crimes in 1849 was 203; in 1850, was 139; and in 1851, was 157. The number arrested for offences against the person in 1849 was 98; in 1850 was 66; and in 1851 was 50, showing a decrease of 50 per cent. It was proved that these crimes were limited to a particular district in Ireland of about eight or nine miles in diameter; and was it for those crimes that Parliament was to inflict a Bill of this description on the whole people of Ireland? The evidence of Mr. Major, the assistant barrister of Monaghan, who was a most distinguished member of the Irish bar, and had been engaged in administering justice for twenty years in the very county where these crimes were alleged to have occurred,—the evidence of that gentleman had not been referred to by the right hon. and learned Attorney General for Ireland. In answer to a question, Mr. Major said—

> "There was an Act of Parliament which enabled the Lord Lieutenant to proclaim counties, and it was put in force in the particular district to which he referred, but it had been perfectly abortive. As far as his experience went, he was not aware of any good resulting from it."

He was then asked, "What was the effect of proclaiming a county?" to which he replied—

> "There were two proclamations—the first proclamation prohibited persons in that district from exhibiting arms, and the second required them to bring in their arms. The effect of that, as far as he had any information, was, that all the persons who were well-disposed and were possessed probably of arms for the protection of their properties and families, would obey the law of the land and bring in their arms. Persons who had arms for protection brought them in or took their licences; but persons who were disposed to keep their arms for other purposes than those of protection, retained and concealed them. Arms might be sought for; but, as for finding them, he believed there was no instance of any large number being found. As far as his experience of that law went, he should say it was perfectly abortive."

That was rather a poser to the right hon. and learned Gentleman, who had actually summoned that witness before the Committee. And yet the right hon. and learned Gentleman now asked Parliament to continue that Act in force. But there was a still higher authority in England, for the Earl of Derby, speaking of this measure in 1847, said—

> "He could not avoid stating his opinion that he would be astonished if it were found sufficient; he thought the Bill was wholly insufficient, and not at all calculated to cope with the principal part of the evil."

If that were so, he did not think the right hon. and learned Attorney General for Ireland would change that opinion, when he (Mr. Keogh) stated in 1847, before the Act, the crimes were 620; that in 1849, after the Act, they rose to 957; and in 1850 they reached 1,013—clearly showing that the very existence of the Bill was perfectly consistent with the existence of crime. How the hon. Gentleman he then saw opposite to him could reconcile the passing of this Bill after what had been both written and spoken within the last fourteen days, he was at a loss to understand. But of this he was perfectly certain—no matter how eloquent in expression his statement might be—that he who out of that House made one set of statements and avowed one description of principles, but who in that House made contrary statements, however well he might succeed for the purposes of a general election, would never be able to convince a people of quick capacity and discernment in the detection of deceit and fraud, that such a man cared one farthing for them, or that all his ideas were not concentrated in self-seeking and the love of power.

The CHANCELLOR OF THE EXCHEQUER: Sir, I quite agree that the hon. and learned Gentleman who has just addressed the House is not bound as to the vote he may now give by any vote he may have given on a similar measure some years ago. The hon. and learned Gentleman, of course, has a right to form a judgment from the circumstances which are placed before him; and if he should think the circumstances under which the present Bill is recommended for adoption, are different from those which were adduced for his consideration on a former occasion, undoubtedly the hon. and learned Gentleman would be perfectly justified in the course which he is now pursuing. The hon. and learned Gentleman has done me the honour of referring to some expressions which I used in the year 1846; but I do not for a moment recognise any similarity between the present measure and the one which I at that time opposed.

MR. KEOGH: Your words were, that you would under any circumstances be loth to join in passing a Coercion Bill for Ireland.

The CHANCELLOR OF THE EXCHEQUER: Yes; but I do not think this is a Coercion Bill. It is not a measure of coercion; it is a measure of police. The Bill which was passed in 1846 contained a clause, enacting that no man should be out of his house after sunset, and the stringency of that clause led to its being called "the curfew clause." That was a provision which I could not sanction. I need not, I think, say more upon that subject. I should not be prepared to sanction any measure, even like the present, speaking totally irrespective of what occurred in 1846, if a clause of that kind were included in it; especially if it were unaccompanied by any measure of a remedial character. I am not aware that the present Government have shown any disposition to evade the sentiments which were expressed by me on that occasion. It is not, and has not been, as the hon. and learned Gentleman must be well aware, in our power to introduce any measure in the present Session having reference to the social condition of Ireland. My right hon. and learned Friend the Attorney General for Ireland has at this moment three measures actually prepared relating to Ireland, one of them concerning the much-agitated question of landlord and tenant; but I may ask whether it has been in our power to introduce any of those measures to Parliament? I ask whether there is any person taking a candid view of the position of Her Majesty's Ministers, and of the temper which has been shown by the House of Commons generally as to the transaction of public business, who is of opinion that it has been in our power to introduce those measures? Under what circumstances, then, do we find ourselves placed? We find that this law has all but expired. We find at this moment that there are many persons in the gaols in Ireland awaiting their trial for grave offences under this law, who, if the law be not continued, will be at once discharged from those gaols. Now, what, I ask, would be the effect on public opinion in Ireland if such a thing should be allowed to take place? How much should we weaken the authority of the law, and how far should we encourage that state of tranquillity and order which we wish to foster, if we allowed the present Session to close in a state of circumstances which would give, as it were, a triumph to those who had violated not only the laws of the country, but also those principles upon which the civilisation of Ireland and of every other country in the world alone depends? The hon. and learned Gentleman (Mr. Keogh) denounces this as a coercive and tyrannical law, and he then turns round and says that he has unimpeachable authority to prove that it is a Bill which will be utterly futile in its operation; and the evidence on which he depends is that of Mr. Major, the assistant barrister of Monaghan, who, in his examination before the Committee, certainly did not speak of this law in terms of great panegyric; but, at the same time, the evidence of Mr. Major was not in favour of a law of a less restrictive power. I will just state what the system is which Mr. Major would wish to see established in Ireland. Mr. Major, on being asked whether he had not stated that certain other measures might be adopted which might supersede the necessity of any law of this nature, said—"Yes; and that in places where the necessity existed, such as in some particular parts of the county of Monaghan, he should give extended powers for domiciliary visits to the houses." This is the great authority to which the hon.

and learned Gentleman has referred. In support of his opposition to this coercive measure he adduces evidence which declares that the measure is much too mild. The policy recommended by Mr. Major (the highest authority in Ireland, according to the hon. and learned Member for Athlone) is not that mild and conciliatory legislation which we are recommending, but a legislation which would give extensive powers of domiciliary visits to houses. But this is not the only measure recommended by Mr. Major, and upon whose credit the hon. and learned Gentleman pins his faith. Mr. Major says, " There was an Act in Ireland which had expired for many years, called the Insurrection Act; he should not be disposed to re-enact that Act; it was one of great power, and had been very efficiently and very effectively used." These were the words of this high authority referred to by the hon. and learned Gentleman; and how did he conclude? " He was not exactly prepared to propose an Insurrection Act." But, encouraged by the panegyrics of the hon. and learned Gentleman, I do not know but that Mr. Major may yet be bold enough even for that. He says that the Insurrection Act had had the effect of perfectly quieting the districts wherever it was applied; but that the powers given by the Act were so very unconstitutional, that he should be very slow to avail himself of such a law, or to recommend the re-enactment of it. He was, however, of opinion that some provision was desirable in particular cases, so long as dangerous conspiracies existed, that would be capable of suppressing those conspiracies, and that the Government of Ireland ought not to be altogether left to apply to Parliament to suspend the Habeas Corpus Act when such cases occurred; but that some provisional Act, the nature of which he was not then prepared to suggest, should be passed, by which the Executive should be armed with a power to apply a prompt and immediate remedy to such a state of circumstances as were existing in a part of the county of Monaghan. This is the description of evidence to which the hon. and learned Gentleman has referred. He was a distinguished member of the important Committee on Crime and Outrage; he has adduced testimony to warrant the policy he recommends, and to prove that this Bill is a coercive and tyrannical Bill; and that evidence recommends a course of policy which, if put into the shape of an Act of Parliament, would indeed be a Coercion Act of the greatest severity. Circumstanced as Government are with respect to this law, how do they act? Have they shown any desire to avail themselves of Parliamentary aid to continue in the possession of any extraordinary powers, or to evade the responsibility which attaches to the Government to maintain the peace and good order of society by the ordinary laws of the country? Certainly not. But, at the same time, let the House consider that we cannot incur the responsibility of letting this law suddenly cease, when great criminals, who to-morrow would then be free, would be allowed to ravage society with impunity. And what, therefore, is the proposition we have made? We have asked that this law shall only continue until the 31st of December next, and to the termination of the then ensuing Session of Parliament. So that the question must necessarily be considered in the next Session of Parliament, or in the course of the next year, when the hon. and learned Gentleman and his friends might, indeed, attack the then existing Government who should propose the continuance of a coercive measure, if they did not accompany that proposition with the introduction of those remedial measures which I believe are necessary and practicable. The hon. and learned Gentleman has also referred to some expressions of mine which I used in an address to my constituents—expressions which I admit were well weighed, and not idly written. Those expressions conveyed accurately to the country what is the disposition of the Government on this important subject. Our feelings towards Ireland are those which we have uniformly expressed while in Opposition; and our policy with regard to Ireland will be the policy which we have always deemed essential to its welfare, namely, the development of the industrial resources of the sister island. But as yet we have had no chance of accomplishing any of these objects; in the meantime we address ourselves to the House to aid us in securing the tranquillity of the country, and in vindicating the majesty of the law.

Question put.

The House *divided*:—Ayes 140; Noes 19; Majority 121.

List of the AYES.

Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Archdall, Capt. M.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.

Baring, rt. hon. Sir F. T.
Barrow, W. H.
Beckett, W.
Beresford, rt. hon. W.
Best, J.
Blair, S.
Bowles, Adm.
Bridges, Sir B. W.
Brisco, M.
Bruce, C. L. C.
Buck, L. W.
Burghley, Lord
Carew, W. H. P.
Chandos, Marq. of
Clive, hon. R. H.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Colvile, C. R.
Conolly. T.
Corry, rt. hon H. L.
Cotton, hon. W. H. S.
Cubitt, M. Ald.
Davie, Sir H. R. F.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Dunne, Col.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Evans, W.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Glyn, G. C.
Gooch, Sir E. S.
Gordon, Adm.
Gore, W. O.
Graham, rt. hon. Sir J.
Granby, Marq. of
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Harris, R.
Hayes, Sir E.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Knox, hon. W. S.
Lacy, H. C.
Leslie, C. P.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
Matheson, Col.
Meux, Sir H.
Mullings, J. R.
Mure, Col.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hon. Sir J.
Patten, J. W.
Pennant, hon. Col.
Pigot, Sir R.
Powlett, Lord W.
Pugh, D.
Repton, G. W. J.
Russell, Lord J.
Sandars, G.
Scott, hon. F.
Seymour, Lord
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, Lord
Stephenson, R.
Stuart, H.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Col.
Thornley, T.
Trollope, rt. hon. Sir J.
Verner, Sir W.
Vesey, hon. T.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whiteside, J.
Whitmore, T. C.
Williamson, Sir H.
Willoughby, Sir H.
Wodehouse, E.
Young, Sir J.

TELLERS.

Mackenzie, W. F.
Bateson, T.

List of the NOES.

Anstey, T. C.
Butler, P. S.
Cogan, W. H. F.
Collins, W.
Crawford, W. S.
Devereux, J. T.
Fox, W. J.
Higgins, G. G. O.
Humphery, Ald.
M'Cullagh, W. T.
Magan, W. H.
O'Brien, Sir T.
Pilkington, J.
Scully, F.
Scully, V.
Somers, J. P.
Stuart, Lord D.
Williams, J.
Williams, W.

TELLERS.

Keogh, W.
Lawless, C. J.

Bill *ordered* to be brought in by Mr. Attorney General for Ireland, Lord Naas, and Mr. Solicitor General for Ireland.

Bill read 1°.

VENTILATION OF THE HOUSE.

MR. HINDLEY begged to ask the Chief Commissioner of Works what course the Government intended to pursue in reference to the report and recommendation of the Committee on the Ventilation and Lighting of the House; and whether Dr. Reid was to be restored to the position he occupied before 1846, and to have the charge of ventilating and lighting the House and its appurtenances, under the supervision of the Chief Commissioner of Works, assisted by a committee of observation, to be appointed annually by the House, in order to report their opinion as to the way in which the management is conducted?

LORD JOHN MANNERS said, that in the opinion of the Government, the recommendation of the Select Committee was a very wise and prudent one, and there was every disposition on the part of the Government to carry it into effect. In answer to the second question, which referred to the competent person alluded to in the recommendation of the Select Committee, at present he was not in a position to say who that competent person, in the opinion of the Government, was likely to be. At the same time, he could not sit down without expressing his individual opinion, that the system of ventilation suggested by Dr. Reid had not received that amount of fair play which would enable it to be properly judged of. He did not wish it to be understood that he was now expressing more than an individual opinion; but it would be unjust to Dr. Reid if he sat down without expressing that opinion on his behalf.

EXPULSION OF ENGLISH MISSIONARIES FROM HUNGARY.

MR. CHISHOLM ANSTEY said, he rose to move the following Resolution:—

> "That this House, recognising the undoubted title of the Queen's subjects resident in foreign countries to the continual protection of Her Ma-

> jesty, in respect of their liberty, property, and other personal rights, and considering that in the case of the Rev. Messrs. Wingate, Smith, and Edwards, arbitrarily expelled from the Austrian dominions in the month of January last, with their wives and children, under circumstances involving much sacrifice of property, and other hardships to the sufferers, those rights were violated, and that no redress has been hitherto obtained for the violation, is of opinion that the case is one calling for prompt and earnest measures on the part of Her Majesty's Government."

He should proceed with his statement, notwithstanding a rumour that had reached him of the determination of the Government to take measures for putting a summary stop to discussions upon the case; but if they did resort to a count-out, he was sure they would feel the consequences at no distant period. Not two years ago that House had been called upon to record their votes against a most un-English resolution adopted in another place on the occasion of the Greek claims, the mover of that resolution being the noble Lord now at the head of the Government; and on the 15th of March last, soon after the Earl of Malmesbury, to the misfortune of this country, was installed in office, his Lordship informed Count Buol that he highly valued the friendly feeling expressed by Prince Schwarzenberg on the part of Austria towards this country. At that time Lord Malmesbury was fully aware of the facts which he (Mr. C. Anstey) was about to bring before the House. The Government were making a premature and indecent attempt in order to prevent his doing so; but, while the issue would be indifferent to him, it would redound only to the discredit of Her Majesty's Ministers. Messrs. Smith and Wingate were two ministers in the Scotch church at Pesth, where they had settled in 1848. Mr. Edwards was in Lemberg in 1848; but all three gentlemen had settled in the Austrian dominions with full permission from the Austrian Government to undertake their spiritual functions. The first two having resided more than ten years in Pesth, had, by the law of Hungary, become naturalised; all of them had acquired property, both real and personal, in the country, and they, no doubt, intended to pass there the rest of their days. On the 10th of December, 1851, Count Buol wrote to the noble Lord the Member for Tiverton (Lord Palmerston), then at the head of the Foreign Office, and informed him that by way of retaliation upon England for protecting Kossuth and his companions, the Austrian Government intended to subject English travellers, however innocent of acts to the prejudice of the Austrian Government to what he called exceptional measures of precaution. Mr. Edwards had not resided for so long a period in Lemberg, in Galicia, as his companions in misfortune; but his residence there was equally sanctioned by the Austrian Government. When the revolution broke out they retired for a season to avoid being identified with either party, and returned as soon as what was falsely called "order," but which was in reality the reign of despotism, was restored; and in the month of December, 1851, Mr. Edwards was made the first victim of the arbitrary policy of Count Buol. The wife of Mr. Edwards was at that time within a month of her accouchement. He had several small children, some of whom were ill, and they were ordered immediately to quit Lemberg and to cross the Austrian frontier, a distance of five hundred miles, within six days, and that in the most inclement season of the year. Mr. Edwards went to Vienna, and applied to the British Minister, the Earl of Westmoreland, who received a large salary for doing nothing; but the British Minister refused to interfere. In point of fact the Earl of Westmoreland was fiddling or directing high mass at Prague, so that he had neither time nor the wish to assist his countrymen in trouble, which it was his duty to do. Mr. Edwards, who owed nothing to the interference of the British Ambassador, was scarcely permitted to return to Lemberg; but a happy contradiction in the orders of the Austrian police enabled him to return and accompany his family to the Prussian frontier, immediately after crossing which his wife was delivered of a dead child. All these steps were taken without the interference of the proper authorities, but by a simple mandate from Prince Schwarzenberg—who had since gone to his account elsewhere—issued solely, as that Minister had declared, in a despatch to this Government, as a punishment to Englishmen, for the reception which this country had given to Kossuth. On the 5th of January following, Messrs. Wingate and Smith received orders to quit Pesth, Hungary, and the Austrian dominions in five days. They also appealed to the Earl of Westmoreland, and to the tender mercies of the Austrian Government. The Government paid no attention whatever to their appeal, neither did the Earl of Westmoreland. At a later period, when a remonstrance was forwarded to him on the subject by Earl Granville, the Earl of Westmoreland was directing a high mass at Prague for the repose of the soul of the late Prince Schwarzenberg; and, as far as he (Mr. C. Anstey) was aware, he believed that the Earl of Westmoreland originally approved of the inhumanity of the Austrian Government. He was also astonished to find that the Earl of Malmesbury quite concurred in that approbation. No charge or allegation was made against these gentlemen. No explanation was given, because it was not asked; and though they were so ill treated by the representative of their own country, they found shelter and assistance in the legation of Mr. M'Curdy, the American *Chargé d'Affaires*, who, though not so highly salaried as the Earl of Westmoreland, opened his house and his purse to them with great liberality. The property which these gentlemen had acquired in Hungary, consisting of real and personal property, being too heavy to be secured, they were obliged to abandon to the mercies, not of the mob, but of what was worse, of the cowardly and bullying Austrian Government. The English Government were bound to apply to this case the principle which had been acted on with reference to Mr. Finlay. The whole question was one of international law, which was decidedly opposed to the oppressive, despotic, and unjustifiable treatment these missionaries had received. He complained that in this, as in Mr. Mather's case, Lord Malmesbury had made excuses which would make the one as disgraceful to him as the other had been proved to be in the course of the discussion which took place last night. The Free Church of Scotland, and the Society for the Conversion of the Jews, then interposed on behalf of the missionaries, who were in their employ, and they presented a memorial to the Foreign Office. In answer to that memorial, they were told by the Earl of Malmesbury, on the 20th March, 1852, that it appeared from a preliminary inquiry which had been made, that the measure was adopted by the Austrian Government in pursuance of a determination not to tolerate any longer interferences of foreign missionaries with the religious faith of the Austrian Jews. The noble Earl also stated that Her Majesty's Government could not dictate to the Austrian Government what amount of religious toleration should be conceded within the Austrian dominions, and that therefore he should abstain from making any formal claim for redress. Another remonstrance was thereupon addressed by the same parties to the noble Earl; and, on the 28th of April, a reply was received to it, in which it was stated that repeated appeals had been made to the Austrian Government to make some compensation for the loss and injury these parties had sustained, but that the answer had been completely unfavourable. The facts of the case were not denied. It was admitted, amongst other things, that there was a loss of property; but the Earl of Malmesbury condescended to be the apologist of the Austrian Government, and would not ask redress for the wrongs which had been inflicted. The parties complaining were told, in effect, in the name of the Austrian Government, whom the noble Lord wished to conciliate, that they had no right to endeavour to convert Jews who were the property, soul and body, of their Austrian master. It was not to be expected that Scottish blood would remain quiet under such treatment. Accordingly meetings were held in which was used language adequate to the occasion; and it was determined no longer to memorialise the Government but to appeal to the Legislature. It would appear that the Earl of Malmesbury then began to reflect seriously on the course which he had pursued; and on the 28th of April, 1852, he desired his Under Secretary to write a letter which closed the correspondence. In this letter the Under Secretary said he was desired by the Earl of Malmesbury to state that after several urgent appeals made to the Austrian Government through the Earl of Westmoreland, a reply had at length been received; that the reason assigned by the Austrian Government for the delay which had occurred in giving this reply, was the necessity of awaiting the detailed report of the local authorities on the matter; that this report had now been received, and that the Earl of Malmesbury regretted to say that it was completely unfavourable. Unless the British Government was prepared to be called a bully and a coward, it ought to apply to these outrages upon Messrs. Edwards, Wingate, and Smith, the same measures as it applied with respect to the outrage on Mr. Finlay, at Athens. If the Government shrank from the application of such measures towards Austria, it would be at once inferred that this country, whilst it played the bully with a weak Government, was not prepared to deal with a strong one.

Vattel and Grotius, and every writer on the subject of international law, showed that the Earl of Malmesbury, as the organ of this country in foreign matters, ought to demand justice from the Austrian Government.

Notice taken that Forty Members were not present; House counted; and Forty Members not being present,

The House adjourned at Eight o'clock.

HOUSE OF LORDS,

Wednesday, June 16, 1852.

Their Lordships met; and having transacted the business on the paper,

House adjourned till To-morrow.

HOUSE OF COMMONS.

Wednesday, June 16, 1852.

Minutes.] Public Bill. — 2° Bishopric of Christchurch (New Zealand).

THE COUNT OUT.

Mr. CHISHOLM ANSTEY said, he should fix his dropped notice of Motion with respect to the expulsion of Scotch missionaries from the dominions of Austria, for the 29th instant, begging to have the benefit of Mr. Speaker's opinion on a question of order in which that House was much interested. A few days ago an hon. and learned Friend of his, the Member for Cork (Mr. V. Scully), was in the middle of his speech, when Mr. Speaker, observing that the clock had struck four, left his chair, and his Friend was of course obliged to discontinue his address. Yesterday evening, however, a very different practice prevailed, for the right hon. Gentleman the Chancellor of the Exchequer rose to address the House within a few minutes of four o'clock, and was allowed to go on speaking until nearly five, with a view, as was intimated at the time to him (Mr. C. Anstey), to facilitate "a count out" at a later period of the evening. He should like to know upon what principle an independent Member should be obliged to resume his seat the instant the clock reached four, while a Minister of the Crown was permitted to prolong the discussions of the House on Government business until five? Some evenings ago, when the House was in Committee of Supply, three hon. Friends of his were obliged, contrary to their wishes and judgments, to record their votes against a Motion which he (Mr. C. Anstey) had submitted, because it was decided, upon the authority of the right hon. Member for the University of Cambridge (Mr. Goulburn) that all Members within the House—meaning all having the possibility of access—were bound to vote; and therefore the votes of the hon. Gentlemen were recorded, not according to their convictions, but according to which corridor they happened to be in. His (Mr. C. Anstey's) hon. Friends claimed to be allowed to vote rather according to their consciences than with regard to their geographical position in the House; but it was decided that being in the corridor, they were "within the House," and they were obliged to vote with those who were on the right, whereas they would have preferred voting with those who were on the left. With respect to the "count out" on yesterday evening, he had no hesitation in attributing it to the Government, who were anxious to get rid of an inconvenient discussion with reference to the conduct of Lord Malmesbury. The only Minister present was the noble Lord the Member for Lynn, the Under Secretary of State for Foreign Affairs. When the House was counted, Mr. Speaker stopped at thirty-seven; and although the hon. Member for Montrose (Mr. Hume) called his attention to several hon. Members, who hid themselves from view behind the chair, he declined to notice them. If hon. Members in the corridor were bound to vote as having access to the House, he should be glad to have the opinion of Mr. Speaker on these points, and also as to the power of the House to compel Members within the walls to come to the table and be counted, when an hon. hon. Member had moved a "count." If it should appear that the House had no such power, he would give notice of a Motion to alter the Standing Orders of the House in such a manner as to render impossible the recurrence of any such proceedings as had taken place on yesterday evening.

Mr. SPEAKER said, that the first question of the hon. and learned Member for Youghal had reference to the proceedings of the House at twelve o'clock sittings, where, let the state of business be what it might, the Speaker invariably vacated the Chair as soon as the clock struck four. It would be in the recollection of the hon. and learned Member that some time ago the House gave its sanction to a regulation to this effect, that when the House met for the despatch of business at twelve o'clock, the Speaker should leave the Chair at four o'clock, and that the House should resume at six o'clock. This regulation, however, only applied to cases where the House met at twelve o'clock. Yesterday the House met at one o'clock, and the rule consequently did not hold good. With regard to the other question, as to what occurred a few evenings ago in Committee of Supply, the facts of the case had not been explained with such accuracy as to enable him to express an opinion on the subject; but he would state what he believed was the rule of the House with regard to voting. The general practice of the House was that no Member should be permitted to vote unless he was present in the House when the question was put, and had heard it put, and it was the duty of the Serjeant-at-Arms to clear the lobbies previous to a division. He remembered one instance where a Member had been found in the lobby during the time of a division. He (Mr. Speaker) called him to the table, and asked him whether he had heard the question put, and on his replying in the negative, he directed the Serjeant-at-Arms to open the door and let him out, and the Member withdrew without voting. With respect to the third question, the "count out" of last night, it was scarcely necessary that he should inform the hon. and learned Member, that whenever a Member took notice that there were not forty Members present, it became incompetent for the House to transact business. The doors were not locked—they were kept open—and until the Speaker began to count, the Members were at liberty to move in and out of the House as they pleased. A hundred Members might be in the halls, lobbies, or corridors, but the Speaker had no power to compel them to come into the House to be counted. During the count out last evening he had been somewhat irregularly interrupted by the hon. Member for Montrose, who called his attention to some Members who were standing behind the chair. He (Mr. Speaker), in order to avoid mistakes, began the calculation anew, and counted twice over, and there could be no question that there were only thirty-seven Members present. No Member could be counted unless he were actually within the House, and neither the Speaker nor the Chairman of Committees had any power to compel the attendance of Members in order to be counted.

Mr. Speaker

Mr. BERNAL said, that with reference to what had occurred when he was sitting as Chairman of the Committee of that House, he thought it highly important that a rule should be laid down with respect to the voting of Members who were not actually within those four walls, and who might not have heard the question put. Frmerly the understanding was that hon. Gentlemen in any part of the House who could be locked in were obliged to vote. Upon the occasion to which allusion had been made by the hon. and learned Member for Youghal (Mr. C. Anstey), as it was a new House, he thought, to avoid confusion, he would take the opinion of the Committee. He suggested himself that the hon. Members should be called to the table and asked if they had heard the question put, with the view, if they had not, to repeat it, that they might exercise their opinions upon it; but that suggestion did not find favour with many hon. Gentleman. It was perfectly true that the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), and the hon. Baronet the Member for Dovor (Sir G. Clerk), and others, expressed their opinion that that ought not to be done. But if he had collected accurately what Mr. Speaker had now said—and he should be excessively sorry to make any misrepresentation—there must be an adjunct to the condition, and the Member must not merely be within the walls of the House, but must hear the question put to him, and if any hon. Gentleman within the walls and precincts had not heard the question, he should be allowed to withdraw. He was glad to hear that opinion, and in future he should guide himself by it.

Mr. HUME said, he willingly admitted. from what Mr. Speaker had just stated, that he was a little irregular yesterday; but, finding him stop at thirty-seven, and seeing three Members in the House, he naturally called attention to them: he saw at least twenty more outside the glass doors, and within the House, as he contended. He thought it of importance that the question should be settled. Formerly they used to divide in the House, and they were counted in the benches as best they could. Then it was found convenient to go into separate lobbies, and he understood the rule was that the doors should be locked, and all within them should vote. On an occasion when he was a teller, some thirty years ago, he remembered Mr. Wilberforce retired behind what was called Solomon's

Porch, or the Speaker's Chair, and secreted himself. Another hon. Member immediately took notice of the fact, and he was brought to the table, and asked if he had heard the question? He said he had not. Then the clerk was directed to read the Motion, and he was asked which way he voted, "Ay" or "No?" He said, "No;" and the vote was recorded. It was then held that the door could not be opened until the Speaker or Chairman should direct it. At one time he (Mr. Hume) thought the rules of the House most complicated; but he was free to confess, after some years' experience, that without those rules and orders it would be utterly impossible to conduct the business of the House. The rule of the old House of Commons was that every one inside the outer doors should be obliged to vote; but this being a new House, it was not quite certain what really was in and what was out. He therefore submitted that in the next Parliament there ought to be a Committee to draw up a rule which should prevent the possibility of such an occurrence as that of last night. He himself had reason to complain, because he had come down to the House to hear what he anticipated would be a very interesting discussion, on the Motion of the noble Lord (Viscount Jocelyn), on the affairs of Scinde. He hoped nothing of the kind would occur again during the short time they would yet be together, but that in the next Parliament the limits of the House would be clearly defined. He knew that he was sometimes irregular; but when he was told that three and two did not make five, as he was last night, he was naturally led into that irregularity.

MR. SPEAKER said, that the hon. Member must see that it was impossible to apply the rules of the old House to the present House. The rules for dividing were totally different. In the old House, when Members were in Committee, they generally crossed the floor, and when they were not in Committee, the "Ayes," or the "Noes," as the case might be, were sent forth to the lobby. If Members were in the Speaker's chamber they were not allowed to vote; but there was a little room behind the Speaker's Chair, in which, if Members were, they were allowed to vote. There was no such distinction in the present House. As the lobbies in the present House were required for the purpose of dividing, he was sure the House would not suffer if a rule—Standing Order—were adopted, declaring that no Member should be allowed to vote unless he were present in the House, and heard the question put, and that the Serjeant-at-Arms be instructed, before a division, to clear the lobby.

MR. CHISHOLM ANSTEY said, he wished to give notice that he should to-morrow move that in future when the House was counted the Serjeant-at-Arms should be directed to lock the doors in the corridors, so that those Members within the precincts of the House might be counted.

Subject dropped.

THE STEAMSHIP "PRESIDENT."

MR. H. BERKELEY said, he wished to ask a question of the hon. Gentleman the Secretary of the Admiralty. Considerable attention had been called to a vast quantity of wreck which had been lately driven on shore on the coast of the county of Banff, in Scotland, and much excitement had been raised respecting it, as it had been conjectured to be possible that it formed a portion of the unfortunate steamship *President*. He wished to ask whether the Admiralty were in possession of any information, or had made an inquiry into the subject.

MR. STAFFORD begged to thank the hon. Gentleman for giving him the opportunity of stating to the House the circumstances which had occurred. It was true there had been a considerable quantity of wreck washed on shore on the coast of the county of Banff, and the Admiralty had taken steps to institute an inquiry by sending to the spot an able naval officer for that purpose. After having carefully examined the scantlings of the timbers which had been cast on shore, he communicated the result to the owners of the many steam vessels that had been lost of late years, and among them the owners of the *President*, at the same time requesting them to inform him what were the dimensions of the scantlings of their own vessels, in order that a comparison might be made with the dimensions of the timbers forming part of the wreck. From some of these parties answers had been returned; but, as far as the examination had hitherto gone, the impression was, that the scantlings among the wreck were not those of the *President*. The inquiry was still being prosecuted, and, when it should be complete, he would communicate the result to the House.

THE GOVERNMENT PROCLAMATION—CATHOLIC PROCESSIONS.

Mr. KEOGH: I rise, Sir, to put a question to the right hon. Gentleman the Secretary of State for the Home Department, of which I have given him notice, and trust the House will allow me to preface it with a few words of explanation. I see in this morning's papers, as of course every Member of this House has seen, a Royal Proclamation, which is addressed to the clauses in the Roman Catholic Relief Act, which were introduced into that Act from some very old Acts. Those clauses were directed against the habit of Roman Catholic ecclesiastics wearing the dress of their order in public. Those clauses have lain dormant ever since the passing of the Roman Catholic Relief Bill. The Government of the Duke of Wellington did not press them. The Government of Earl Grey did not press them. The Government of Lord Melbourne did not press them. The Government of Sir Robert Peel did not press them; and this, I believe, is the first announcement of the intention to put them in force. I observe in a morning journal which is conducted with great ability, and which usually defends the acts of the Government, and is supposed to be the organ of the present Government—I allude to the *Morning Herald*—the following remarks in reference to this proclamation:—

> "This is an act by which the Government, in the immediate prospect of an election, dares to offend a large class of religionists. We need not say that Sir Robert Peel in his whole life was never once guilty of such a piece of manliness. What earnest Protestants have to do is to take care that those who are prepared to carry out their views do not suffer from their manliness in so doing."

Now, Sir, having reference to the approaching elections—having reference to this announcement on the part of the Government organ, and having reference to the other facts I have stated, I wish to ask the right hon. Gentleman; first, Is it intended to publish in the *Dublin Gazette* that proclamation, and thereby give it the same effect in Ireland which it will have in England? [Mr. Hume: A Proclamation does nothing.] The hon. Member for Montrose says the Proclamation does nothing; I am quite aware in this case it has no legal effect. [Lord Naas: Hear, hear!] I think it clear the noble Lord opposite does not understand the distinction. There are cases in which Proclamations are necessary, as in the Crime and Outrage Act, which we were discussing yesterday; but this Proclamation is intended simply to prevent the public being taken by surprise in the reviving of a dormant Act of Parliament. Now, I wish to ask the right hon. Gentleman, is it the intention of the Government to give the same publicity to this Proclamation in Ireland as in England, by inserting it in the *Dublin Gazette?* And that being done, is it the intention of Her Majesty's Government, with that manliness and sincerity for which they get credit in the newspaper I have quoted, to direct the Attorney General in Ireland, whom I am glad to see opposite, to prosecute the Roman Catholic ecclesiastics in that country for doing that which they have been permitted, without observation or punishment, to do since the year 1829, by every Government? or is this merely a set-off to the dropping of the Maynooth debate?

Mr. WALPOLE: Sir, before I answer the two questions which have been put to me by the hon. and learned Gentleman, I think it right to state, on the part of the Government, that I am not responsible, nor is the Government responsible, for any particular observations contained in any particular newspaper. I think it also right to state that the hon. and learned Gentleman has not accurately, because not fully, stated the law with reference to this subject. The statute of George IV. was intended to apply to two matters: first, to Roman Catholic ecclesiastics wearing the habit of their order in public; and, next, to Roman Catholic ecclesiastics exercising the rites and ceremonies of their religion in any other place than in their usual places of worship, or in private houses—that is to say, they were not to exercise those rites or ceremonies in any public place. I have thought it right to state this much as to the objects of that law, which Her Majesty's Government think it their duty to enforce. I will now proceed to answer the questions of the hon. and learned Gentleman. First, he asks, are we going to publish a similar proclamation in the *Dublin Gazette?* My answer to that is, that two months ago the Government heard of a procession of Roman Catholics in Ireland in which a Roman Catholic bishop took part. The moment we heard of that procession—which I believe was an entirely new thing, we sent an intimation, I may call it a friendly intimation, to that bishop, pointing out to him the provisions of the statute of George IV., and expressing a hope that he had taken part in that procession in his ecclesiastical dress inadvertently, and without any intention of violating the law, and stating that under these circumstances we should take no further notice of the proceeding; but we, at the same time, expressed a hope that the law would not be violated in future, because, if it were, we should feel it our duty to put it in force. Since that time the Government have not heard of any offence having been committed against this law in Ireland; and, not having heard of any such offence, we do not wish to give a more special warning in Ireland than that which has been expressed to all Her Majesty's subjects generally in the Proclamation already published. No notice, therefore, will be given in the *Dublin Gazette*, unless a similar occurrence to that I have just mentioned should take place, after the private warning which has already been given or suggested to the Roman Catholic ecclesiastics in Ireland. With regard to the second question of the hon. and learned Gentleman, namely, whether we are going to enforce the law, which he says has lain dormant since 1829, I first of all beg leave to state that the law has not lain dormant. But a fact had come to the knowledge of the Government of a very peculiar nature, namely, that the Roman Catholics were going to renew those religious processions along the public highways which had been done away with for three hundred years;—these were the very words as taken down in evidence, and it was further stated, that they were going to do this by marching from village to village with banners and emblems of their faith in honour and celebration of the Feast of the Virgin Mary. The very procession to which this proclamation more particularly relates moved, for four miles along the high road. It consisted of about one hundred and fifty persons, some carrying banners with emblems of the Roman Catholic faith inscribed on them, others bearing crucifixes, while others carried images of the Virgin and the infant Jesus. Now, I have no hesitation in saying that such a procession as that must and did give much annoyance to many of Her Majesty's Protestant subjects; and the Government, therefore, did think it right, and do think it right, to prevent the violation of the law by any such processions in future. Further than this, I must go on to state, that in the instance to which I have alluded, actual danger did exists of a breach of the peace. I am therefore sure that both the House and the country will approve of the course which the Government has taken, and will concur with them in declaring, in the words of the Proclamation—

> "That while we are resolved to protect our Roman Catholic subjects in the undisturbed enjoyment of their legal rights and religious freedom, we are determined to prevent and repress the commission of all such offences"

by seeing that the law shall be observed; for, if it be not, it must necessarily draw down punishment upon those who, after this warning, shall wilfully infringe it. It must be obvious that these processions, if they were allowed to continue, instead of allaying religious differences, would very materially increase them, and would, I fear, frequently terminate in very serious breaches of the peace.

BISHOPRIC OF CHRISTCHURCH (NEW ZEALAND) BILL.

Order read for resuming Adjourned Debate on Amendment proposed to Question [28th May], "That the Bill be now read a Second Time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. ADDERLEY said, he should have moved the second reading of this Bill without any remark, but for the opposition given to the measure by the hon. and learned Member for Youghal (Mr. C. Anstey); and perhaps he should best consult the convenience of the House by stating the nature of the Bill which had been so much misrepresented. The Bill had had the singular ill-fortune of being obstructed in its course both by over-flattery and over-abuse. The right hon. Baronet the Member for Ripon (Sir J. Graham) had represented it as one of the most important measures before the House, and one which, if persevered in, would render it impossible to wind up the Session within the reasonable time promised by the Government. On the other hand, it had been obstructed by exaggerated abuse, or perhaps he ought rather to have said misrepresentation. The hon. and learned Gentleman the Member for Youghal might perhaps think it his duty as a Roman Catholic to obstruct and interfere with every Bill connected with the Church of England, whether it might be an important measure, or one of mere technical and routine requirement, which was the characteristic of the present measure. This was not a Bill for creating a bishopric, nor even for dividing a bishopric. Its object was very plain and simple. That most excellent and praiseworthy prelate the Bishop of New Zealand (Bishop Selwyn), having found that his diocese was becoming so populous and extended that it was impossible for him adequately to discharge the duties imposed upon him, had not only offered every facility for the division of his diocese, but had offered to make a sacrifice of his income to carry that object into effect. And here he would take the opportunity of telling the House that the representation made in a certain leading organ of the press yesterday, "that the population of New Zealand was diminishing, and that the colonists were leaving in great numbers for Australia in consequence of the gold discoveries," was a statement wholly without foundation, and entirely contradicted by the recent information received from the settlements, from which it appeared that there was not such a desertion of New Zealand—that, on the contrary, very few persons had left, and from Canterbury five only, for the gold diggings—and that it still remained the most promising young Colony in the new Colonial Empire of Great Britain. Bishop Selwyn, with the view of carrying out the plan which he had suggested, determined to resign part of his see for the purpose of getting a new diocese formed. The arrangement was agreeable to all parties interested; the colonists desired it; emigrants going out to Canterbury waited for it; Her Majesty desired the subdivision, and Her own legal authorities had given their opinion in favour of the division. The only difficulty requiring legislation was that there was a certain technical informality in the mode in which the Bishop had resigned the fragment of his diocese. When the deed of resignation was submitted to the law officers of the Crown, they objected to its validity, because it was impossible to resign half a patent; they gave their opinion that the proper way was to resign the whole patent, and that two new patents should issue, one to install the present Bishop, the other to reinstate the new Bishop. But if the resignation of the patent was to be required, it would be necessary to wait another year. And to please whom? Why, to please no one on earth but the hon. and learned Member for Youghal (Mr. C. Anstey). But even supposing the Colony's wishes were postponed for the Bishop to resign his patent, this inconvenience would still arise: there would be a certain interval occasioned by such a resignation during which there would be no bishop whatever over the diocese. He (Mr. Adderley) certainly had entertained the hope that the Bill would have passed without any opposition whatever. It had gone through the House of Lords, and was now stopped in its progress by the hon. and learned Gentleman, who in a long speech on a previous occasion had misrepresented the Bill in every possible way, stating that it was a Bill for the construction of a diocese—then a Bill for the division of a diocese; in short, stating the Bill to be everything but what it really was, namely, a Bill for rendering valid a resignation, and founding his objections on his own misrepresentations. Rather than create delay, he had asked the hon. and learned Member to meet him in private, and he (Mr. Adderley) would endeavour to remove any valid objections which the hon. and learned Gentleman might entertain. On consulting the hon. and learned Gentleman, and some other parties, he found that there were words in the Bill from which, by a forced construction, it might be supposed Parliament had taken upon itself the construction of a Colonial bishopric, whereas, according to the usual form, it ought to be done by Royal Patent. The hon. and learned Gentleman objected to the interference of Parliament; and he (Mr. Adderley) proposed to strike out the words from which such an inference might be drawn, and thus remove the objection. There was therefore now nothing in the Bill but what would simply make Bishop Selwyn's resignation a formal instead of an informal resignation, leaving it to the Crown afterwards by patent to create the new bishopric. Having agreed to strike out those words, he understood that he should have had the assent of the hon. and learned Gentleman to the passing of the Bill. But there was another objection, as to the title by which Bishop Selwyn was described in the preamble of the Bill. [Mr. C. ANSTEY: Hear, hear!] That, then, was the only point at issue. [Mr. C. ANSTEY: No, no!] The hon. and learned Gentleman wished the diocese of New Zealand to be described, not as "the Bishopric of New Zealand," but as "a See in New Zealand in communion with the Church of England." [Mr. C. ANSTEY: Hear, hear!] That, then, was the point at issue. Now he (Mr. Adderley) had no objection to the introduction of those words; but the Attorney General, as the guardian of Her Majesty's rights, was not willing to yield that point, and insisted on the bishopric of New Zealand being described as it was in the Bill. He would put it to the House whether they would allow the Bill to be obstructed day after day, simply on the ground that the Bishopric of New Zealand ought to be called "a See in New Zealand in communion with the Church of England," instead of "the Bishopric of New Zealand." Being ready to make the changes which he had intimated, he must appeal to the House not to allow the hon. and learned Gentleman to obstruct the further progress of the Bill.

MR. W. WILLIAMS wished to know whether it was intended to bring any charge upon the public for the maintenance of this new bishopric? [Mr. ADDERLEY: None whatever—not a farthing.] On that distinct understanding, then, he had no objection whatever to the Bill.

The ATTORNEY GENERAL said, he wished shortly to explain the part which he had taken with respect to this measure. It was not a Government Bill. It was introduced into the other House by an independent Member, and was now under the charge of the hon. Member for North Staffordshire (Mr. Adderley); and the only reason of his (the Attorney General's) interference was, that a desire had been manifested on the part of an hon. and learned Member to make an alteration in the preamble of the Bill, to which he did not think it his duty to consent. He regretted that any excited feeling should have been manifested with regard to the Bill, and trusted, after a few remarks in explanation of its object, the House would consent to its second reading. By Letters Patent in the year 1841, Her Majesty made the Colony of New Zealand into a Bishop's see or diocese, by the title of the Bishopric of New Zealand, and nominated Bishop Selwyn to be the bishop for the term of his natural life. Bishop Selwyn took possession of his diocese, and it became necessary in the course of time, in consequence of the immense extent of the island of New Zealand, that a new bishopric should be created. Bishop Selwyn was entirely favourable to the creation of a new bishopric, and he (the Attorney General) believed that there was hardly an hon. Member in that House who desired to prevent it if essentially necessary, and which, according to the opinion of those best acquainted with the subject, was now actually the case. Now, the only proper way in which that creation could take place would be by the resignation of Bishop Selwyn, according to the terms of the Letters Patent, for no other resignation was provided for; and before Her Majesty could create a new bishop, which it was not denied that She had power to do, it was essential that the ground should be cleared, and that no other episcopal rights should have existed previously, and then Her Majesty would be empowered on ground so cleared to erect a new bishopric. But here a difficulty arose. Bishop Selwyn had an objection to resign, according to the terms of the Letters Patent, the whole of his diocese, for the purpose of enabling Her Majesty to create a more limited diocese for him; but he was ready to assist, as far as he could, that desired object, by surrendering a portion of his diocese. In point of fact, he had executed an instrument by which a portion of his diocese had been surrendered, which, if valid, would have enabled Her Majesty to create a new bishopric. But when the instrument came over here, and was submitted to the consideration of the law officers of the Crown, they were of opinion, not that it was a void instrument, but that there were such doubts existing as to the validity of such resignation, as to render it uncertain whether it was competent for Her Majesty to act upon it. They accordingly recommended that an Act of Parliament should be applied for, which should remove all doubts, and at all events legalise the creation of a new bishopric. A Bill was therefore introduced by those who were interested in the Colony, for the purpose merely of accomplishing this object, which all who knew anything of the matter considered to be essential. Then in providing for this Bill, it was necessary to recite the Letters Patent, and the Letters Patent were the substance set forth in the Preamble; it stated that an instrument of resignation had been executed by Bishop Selwyn of a portion of his diocese, and then recited that doubts were entertained as to the validity of such instrument and the power of Her Majesty to erect such surrendered portion into a distinct See. Was that, or was it not, a true Preamble stating the facts of the case? Was there such a Patent appointing Bishop Selwyn to the diocese? Why, there was no doubt at all about it, and it was equally certain that there had been an instrument of resignation of a part of the diocese executed, and that doubts had arisen respecting its validity. This Bill merely proposed to remove those doubts, and to make the said instrument of resignation valid and effectual in law for the purpose of enabling Her Majesty to erect the surrendered portion of the diocese into a distinct diocese, it being not competent for her to do so until the ground was cleared. That was the object of the Bill; but then there were some additional words which the hon. and learned Member for Youghal objected to, and which he (the Attorney General) had some doubts respecting, because the Bill went on to enact that "it shall be lawful for Her Majesty to erect the said portion of the surrendered diocese into a new see or diocese." Now he should say that Her Majesty would clearly have that power without the interference of the Legislature, supposing that there was no other bishop already appointed. That was, he believed, a true statement of the facts; and under these circumstances he did not think there could be any ground for the strong opposition which the hon. and learned Member for Youghal had exhibited. He regretted that a measure of so simple and necessary a character should have given rise, on a former occasion, to so much heat and excitement, to which he was a party, and for which he now begged to apologise to the House. He hoped the Bill would now be read a second time.

Mr. HEYWORTH said, he begged to move the adjournment of the debate. He considered the appointment of bishops to be a social question, which ought to be left to the Colonists themselves; and he objected strongly that England should be called upon to support bishops in her colonial possessions.

Mr. CHISHOLM ANSTEY seconded the Amendment. The hon. and learned Member was proceeding to discuss the merits of the Bill, when

Mr. GOULBURN said, Sir, I rise to order. If the hon. and learned Gentleman is going into the whole discussion with respect to New Zealand, he is not going to speak to the question before the House—namely, the adjournment of the debate; and it will be for the House to decide whether they will hear him.

Mr. CHISHOLM ANSTEY said, the right hon. Gentleman the Member for the University of Cambridge knew well when to insist on the privileges of the House, and when not; and he (Mr. C. Anstey) invariably found that he insisted upon them whenever it was thought desirable to do damage to an independent Member. At so late a period of the Session, he did not think it was becoming to press forward so important a Bill. The hon. Member (Mr. Adderley) who had charge of the Bill had consented to an Amendment which he (Mr. C. Anstey) had suggested, the effect of which would have been that a simple allegation of those matters contained would have appeared in the Bill; whereas, if the Bill were adopted in its present shape, Parliament would thereby give its sanction to, and recognition of, the division of New Zealand into bishopricks. That Amendment, however, was resisted by the hon. and learned Attorney General, who understood the real purport of the Bill. He (Mr. C. Anstey) denied in the most emphatic terms that the Queen had any spiritual supremacy in New Zealand, and he could appeal to authorities to show that She possessed none beyond these realms, except under the letter of an Act of Parliament, or an ordinance of the Colonial Legislature. The hon. and learned Attorney General had no doubt said, that the Bill would not entail a farthing of expenditure on this country; but the right hon. Baronet the Secretary for the Colonies had used very different language. The salary of the new bishop would have to be provided either by the people of this country or the inhabitants of New Zealand. As soon as the new bishop would arrive in New Zealand, the Governor would send a message to his Legislative Council on the subject of his arrival; he would say—"Here is a bishop—the Queen has appointed him—Parliament has consecrated him—and in the name of humanity and religion it is but right that we should make some provision for him. The other bishop has 1,000*l.* a year out of the colonial revenue, and it is but fair that we should give a similar salary to this new bishop." That, of course, would be the result if this Bill were carried. That was what happened in the case of the Roman Catholic Bishop of New South Wales. The Legislative Council of New South Wales, composed of Protestants and nominees of the Crown, said, on the arrival there of Dr. Polding the Roman Catholic Bishop—"It is but fitting that we who have already given annual stipends of 200*l.* to the Roman Catholic priests in this colony, should give to a bishop of that creed a higher salary, let us give him 800*l.* a year:" and that, accordingly, was the sum paid to Dr. Polding out of the revenue of New South Wales. He (Mr. C. Anstey) objected to the Bill, because it was only an attempt, on the part of the founders of the Canterbury Settlement, to obtain a Parliamentary sanction to that transplantation of the worst corruptions of the High Tory party in England. Canterbury Settlement, in fact, was intended by its founders to be a new England—such as England was in times past, when High Toryism reigned paramount. It would perpetuate all our own ecclesiastical abuses. If a new bishop were set up in New Zealand, why not a bishop's court? Now, he strongly protested against subjecting the Free Churchmen of Otago, and the Roman Catholics of Auckland, to the jurisdiction of an ecclesiastical judge, set up by only a minority of the people of New Zealand. This Bill was an attempt to get in the small end of the wedge—

The CHANCELLOR of the EXCHEQUER rose to order. The hon. and learned Gentleman, he said, had apparently seconded the Motion for adjournment, in order that he might use the opportunity to make a second speech on the subject of the Bill. It appeared to him (the Chancellor of the Exchequer) that the proceeding, if not a direct violation of the rules of the House, was, at least, an evasion of them.

Mr. SPEAKER: There is no doubt this is an evasion of the strict letter of the rules of the House, because, when the hon. Member (Mr. Heyworth) moved the adjournment of the debate, and the hon. and learned Member (Mr. Anstey) rose to second the Amendment, he should have spoken to the adjournment of the debate, whereas he has, in fact, made a second speech upon the principle of the Bill. I have often had occasion to call the attention of the House to these matters before, to show that, unless there is a strict observance of the rules of the House, any Member of this House may, by getting a friend to move the adjournment of the House, or the adjournment of the debate, make a very lengthy speech with respect to some other subject. I trust that the House, if the rules of the House continue to be so evaded, will take some steps to remedy the evil.

Mr. CHISHOLM ANSTEY said, the right hon. Gentleman the Chancellor of the Exchequer had misrepresented the facts of the case. His hon. Friend (Mr. Heyworth) had moved the adjournment, to enable him (Mr. C. Anstey) to reply to the personal attack that had been made on him. He had the more right to do so, as his former speech had been delivered in a thin House, and therefore the hon. Member for North Staffordshire had taken the opportunity of misstating his arguments. He thought he was, in justice, entitled to be heard; and the right hon. Gentleman who had called him to order had himself taken greater liberties with the forms of the House than any other hon. Member. If he was not sensible of what was due to the dignity of the House, the conduct of the right hon. Gentleman would have tempted him to pursue a very different course.

Sir JOHN PAKINGTON said, although the Bill was not a Government one, he was anxious, as it related to a very important Colony of the British Crown, that it should be passed during the present Session.

Mr. HUME said, he thought that the Motion for the adjournment of the debate was a very proper one. In the Preamble, the question introduced by the hon. Member opposite (Mr. Adderley) was admitted to be one of great doubt: why, then, in the present state of Parliament was a matter of great importance and considerable doubt pressed upon the House? There were only 28,000 British emigrants in New Zealand, only a tenth of whom were in connexion with the Church of England. What urgency could there be with respect to this proposition to place a second bishop over so small a minority of so small a population? This Bill would but sow in New Zealand such seeds of religious discord as had provoked the rebellion in Canada. It was nothing more than an attempt to make one particular creed, and that, too, of the minority, the dominant religion. If a bishop were really needed in New Zealand, the Queen had powers of appointing him without asking for Parliamentary sanction. He submitted to the Government the desirableness of leaving this irritating question to the decision of the next Parliament.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 31; Noes 110: Majority 79.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 111; Noes 34: Majority 77.

Main Question put, and *agreed to.*

Bill read 2°.

VESTRIES BILL.

Order for Second Reading read.

SIR DE LACY EVANS rose to move the Second Reading of this Bill. The object of the Bill was to enable the four joint parishes of St. Giles-in-the-Fields, St. George, Bloomsbury, and St. Margaret, and St. John's, Westminster, to adopt what was known as Hobhouse's Act. What he asked was that these four great parishes should be placed on the same footing with other parishes throughout the country, and have the privilege of electing those who administered the parochial funds.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The ATTORNEY GENERAL said, he must oppose the second reading of this Bill, which, though introduced as a public measure, was confined to four metropolitan parishes. The proper course would have been to introduce Private Bills applicable to the case of each parish, thus making the parties interested responsible for the expense, instead of throwing it upon the public. Having been foiled in a Court of Law, the promoters of this Bill now came before Parliament to carry out their object, greatly to the disadvantage of the dissentient portions of the united parishes. He should therefore move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. T. DUNCOMBE said, the Bill before the House had been made a Public Bill because its object was to amend a Public Act. These four parishes had been omitted by a mistake from Hobhouse's Act, which gave the ratepayers the right to vote for vestrymen, and all that was now asked was that they should be enabled to avail themselves of that Act.

MR. HENLEY thought the only mode of dealing with these parishes was by local Bills applicable to the case of each. It was hardly possible to do justice to all the interests concerned by a common Act.

MR. HUME hoped a remedy of some kind would be applied to this case. Numerous complaints had been made to him as to the condition of these parishes; and, whether by a Public Bill, or in some other way, he trusted the grievance complained of would be removed. He considered this Bill unobjectionable, because it only proposed to include four metropolitan parishes within the provisions of a Public Act, from which they had by mistake been excluded. Therefore, the objection that the remedy sought for ought to be obtained by a Private Bill was totally inapplicable.

MR. WALPOLE said, he thought that the best course would be for the united parishes to adjust their differences, and then proceed by Private Bill. He would therefore suggest the propriety of withdrawing this Bill.

SIR DE LACY EVANS said, he must decline to adopt the right hon. Gentleman's recommendation.

MR. BROTHERTON thought these metropolitan parishes ought not to be allowed to attain the objects of a Private Bill without paying the expense of such a measure. He could not see why they should receive an advantage which was denied to all other bodies.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 26; Noes 86: Majority 60.

Words *added;* Main Question, as amended, put, and *agreed to;* Bill *put off* for three months.

FEARGUS O'CONNOR, ESQ.

Report from Select Committee *brought up,* and read.

Ordered—"That Feargus O'Connor, Esq., be discharged out of the custody of the Serjeant-at-Arms attending this House without payment of his Fees; and that Mr. Speaker do issue his Warrant accordingly."

PARISH CONSTABLES BILL.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JOHN TROLLOPE would suggest that the hon. Member for East Kent, who had the charge of this Bill, would see the propriety of not proceeding with the measure at present.

MR. DEEDES said, that he had taken great pains to make this Bill as perfect a measure as possible, and he hoped that, if he consented not to proceed further with it that day, the Government would grant to him a portion of the morning sitting on

Monday next, to see what progress he could make in Committee.

MR. BECKETT DENISON considered that it would only be a waste of time to discuss this Bill either at present or on Monday. He could say, for himself, that he had insuperable objections to its provisions, and it was impossible that such a measure could be carried through at this period of the Session.

The CHANCELLOR OF THE EXCHEQUER said, he wished to prevent any misconception on the part of the House in consequence of what had fallen from the hon. Member for East Kent (Mr. Deedes). It was quite impossible now for the Government to give a moment of time to any hon. Gentleman. It was absolutely necessary, with the consent of the House, to proceed with the transaction of only public business. He was sure that would be the feeling of the House, and it was only by strictly adhering to that rule that the Government could fulfil the general understanding with with regard to the dissolution.

MR. DEEDES said, in consequence of what had fallen from the right hon. the Chancellor of the Exchequer he would withdraw the Bill.

Motion, by leave, *withdrawn;* Bill *put off* for a month.

CORRUPT PRACTICES AT ELECTIONS (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

The ATTORNEY GENERAL rose, to move as an Amendment, that the House do resolve itself into Committee that day three months. It was purely from inadvertence that the Government had allowed such a measure as this to reach its present stage, he having permitted it at a very late hour of the night to pass a second reading from having mistaken it for a measure of the noble Member for the City of London (Lord John Russell). Its provisions were of the most extraordinary and unreasonable nature. They consisted of only two clauses, the first of which provided that actions for bribery might be brought and decided in the County Courts; and the second, that if a Committee of the House of Commons should determine that there had been extensive bribery prevalent in any county, city, or borough, such county, city, or borough should be taxed for the expenses of the inqniry in the shape of a compulsory rate. Now, questions of bribery were very grave and important, and they were always tried in the Superior Courts. What reason could the hon. and learned Member for Youghal (Mr. Anstey), who was the author of this measure, assign for transferring the hearing of such a case to the County Courts? [*Mr. Anstey here pointed to the clock, the hour being within a few minutes to Six.*] The hon. and learned Gentleman appeared to have a strong sense of the value of time when anybody else was speaking; but he did not seem to remember the length of the addresses which he himself so frequently inflicted upon the House. Look at the extreme hardship and injustice of the provisions of this Bill. Certain persons in a district offended: all the inhabitants, without distinction, were to be punished. [*Mr. Anstey here again pointed to the clock.*] The hon. and learned Gentleman was exceedingly impatient; but if he would at once go to a division, he (the Attorney General) was quite ready to give him the benefit of the remaining four minutes of the sitting in order to take the sense of the House upon this Bill.

MR. CHISHOLM ANSTEY said, he would divide as soon as he had answered the hon. and learned Gentleman's misrepresentations.

The ATTORNEY GENERAL said, the House had already that day had a proof of how long the hon. and learned Gentleman took to correct misrepresentations—which was just an hour by the clock. He would, however, now conclude by moving the Amendment which he had already stated.

Amendment proposed, to leave out from the words "That" to the end of the Question, in order to add the words, "This House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. CHISHOLM ANSTEY said, that the hon. and learned Gentleman had woefully misrepresented him; but he had no wish to retard the eager anxiety of the Government to cover themselves with as much odium as possible. He had explained the objects of the Bill fully when he moved for leave to introduce it; and the right hon. Gentleman the Home Secretary, on that occasion, offered no opposition to him, but said he would suspend his judgment until he had further examined the measure. He (Mr. C. Anstey) did not attach any importance to the second clause, which the hon. and learned Gentleman had so strongly denounced: it was merely permissive, and he had adopted it from a Bill of the noble Lord the Member for the City of London.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 16; Noes 65: Majority 49.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 17, 1852.

MINUTES.] PUBLIC BILLS. — 2ª Passengers Act Amendment; Trustees Act Extension; Suitors in Chancery Relief.

Reported. — Turnpike Trusts Arrangements; Scutch Mills for Flax (Ireland).

3ª General Board of Health.

ROYAL ASSENT.—Stamp Duties (Ireland) Continuance; Turnpike Roads (Ireland); Proclamation for Assembling Parliament; Law of Wills Amendment; Registration of Births, Deaths, and Marriages; Apprehension of Deserters from Foreign Ships; Law of Evidence (Scotland); Public Works; London (City) Improvements; London (City) Small Debts Extension.

ECCLESIASTICAL COURTS (CRIMINAL JURISDICTION) BILL.

Order of the Day for Second Reading, read.

LORD WODEHOUSE moved the Second Reading of this Bill, and stated its object, and the circumstances which made such a measure desirable. The Bill proposed to withdraw from the Ecclesiastical Courts the cognisance of causes of defamation and brawling or smiting in the church or churchyard, and was based upon the report of the Ecclesiastical Commissioners. He asked their Lordships to give, at least, an instalment of that reform which the public so earnestly desired, by assenting to the second reading of this Bill.

Moved—"That the Bill be now read 2ª."

The BISHOP of SALISBURY said, it had been the intention of a right rev. Friend of his (the Bishop of London), who was unable to attend, to move the rejection of this Bill; and in the absence of that right rev. Prelate, he (the Bishop of Salisbury) felt it his duty to oppose the measure. He hoped that, at this period of the Session, their Lordships would not assent to a Bill which had not originated with Her Majesty's Advisers, who would have been able to take a comprehensive view of the whole subject, but with private individuals. It must not be supposed, however, that his right rev. Brethren and himself were not as desirous as any of their Lordships that a speedy and effectual remedy should be provided for any abuses which might exist in the administration of the ecclesiastical law. He fully admitted that there were many things in these courts which it was desirable to remove; and for himself he could say that he would readily co-operate in their removal. But he did not think it would be wise or prudent to pass a Bill referring to a single and small part of a great and comprehensive subject. A distinct pledge had been given in another place that the whole question should receive the consideration of the Government, and he therefore thought it the less desirable that this measure should be entertained. He objected to the Bill because it tended indirectly to repeal part of the rubric of the *Book of Common Prayer*, and could not therefore be entertained without the consent of Convocation; and further, because he considered that, if the subject was dealt with piecemeal, they might, unconsciously and unintentionally, trench upon principles which it was most desirable to maintain. He therefore moved, as an Amendment, that the Bill be read a second time that day three months.

Amendment *moved*, to leave out ("now,") and insert ("this day Three Months.")

LORD CAMPBELL, in supporting the second reading, said, that a Committee of their Lordships' House had investigated this subject—six of the Members of which were Prelates of the Church—upwards of twenty years ago, and they had reported in favour of a measure of the kind now submitted to their Lordships. The right rev. Prelate, however, appeared to be in favour of a more sweeping measure of reform in reference to these courts than the Bill proposed. He (Lord Campbell) would rejoice as much as any man in a measure which would effect a complete reform of the Ecclesiastical Courts; but he was afraid that was too great a task to be undertaken except by a very strong Government resolved to do what was right. He submitted, however, that the Bill before the House was wholly unexceptionable, and did not stand in the slightest degree in the way of future legislation. There was a criminal jurisdiction which in Roman Catholic times was assumed by the Church, which, in his opinion, and he knew he was joined in that opinion by several right rev. Prelates, ought never to have belonged to it: he meant the jurisdiction of a criminal nature against laymen guilty of brawling in the church, and of defamation; and it was with respect to those two offences only that this Bill proposed to abolish the jurisdiction of the Ecclesiastical Courts. The right rev. Prelate had objected to the Bill because it was not brought forward by the Government; but that was a futile objection, seeing that every independent Peer had a right to bring forward any measure which he thought deserved the consideration of the House. He would remind the right rev. Prelate that the County Courts Act was brought into the other House by an independent Member; it received the sanction of both Houses of Parliament, and had conferred the greatest benefit on the public. The circumstance, therefore, of this Bill being introduced by an individual Member ought to be no reason why their Lordships should not support it; and he would repeat that the Bill offered no obstacle whatever to future improvement. The jurisdiction sought to be abolished was a limb which their Lordships might easily lop off from the Ecclesiastical Courts; and he did not think the right rev. Prelate had offered one single valid objection why their Lordships should not pass the second reading.

The BISHOP of OXFORD said, he was entirely unable to acquiesce in the view taken by the noble and learned Lord opposite, who seemed to have entirely misrepresented the argument of the right rev. Prelate (the Bishop of Salisbury) on a material point, though, of course, unintentionally. His right rev. Friend did not, as he understood, say he was anxious for a sweeping reform on the subject, for he was one of those who thought it prudent in matters of reform to proceed step by step. But he (the Bishop of Oxford) understood his right rev. Friend to say that, in dealing with a great case of admitted abuse, the only safe way was to lay down some principle that would enable them to legislate upon the question as a whole, instead of leaving such principle altogether unannounced and undeveloped; but instead, beginning by exploring all the small extremities of the law, and so diminishing the power of the law, while yet no remedy was provided. He (the Bishop of Oxford) was prepared to admit that the subject deserved attention, that it ought to be dealt with by the Legislature, and that great reforms ought to be introduced; and it was because he believed this species of nibbling legislation was not the way to secure a great reform, but the way to leave real difficulties untouched, that he was unable to agree with the noble and learned Lord. He (the Bishop of Oxford) objected to the Bill for this reason, and he trusted their Lordships would concur with him, that it did away with the only remedy for certain great existing evils—the only mode of punishment that could be inflicted—while it did not substitute any other; and he held that to be a very vicious and irregular way of legislating. If the Bill passed, those cases of defamation in which the civil courts had no jurisdiction would be left wholly unprovided for, unless a new remedy were given. And, with regard to the cases of brawling, the Civil Courts could not deal with them. A clergyman might preach against his parishioners, and make himself offensive to them, but they had no remedy unless a distinct libel was perpetrated, whereas he could now be proceeded against in the Ecclesiastical Courts, and the mere knowledge of the fact placed it in the power of the Bishop to prevent the necessity for future complaint on the part of parishioners. Within the last two years he had received several such complaints; but the circumstance of there always being a remedy in the Ecclesiastical Courts, enabled him to terminate quarrels and restore peace. The noble Lord (Lord Wodehouse) ought therefore to have provided in his Bill a new civil jurisdiction for the trial of laymen, and a new ecclesiastical jurisdiction for the trial of clergymen; but instead of doing that, he sought to abolish the existing law without substituting any other remedy. His right rev. Friend was no more enamoured with the existing law than the noble Lord (Lord Wodehouse), but he said it was not safe to take away the ancient remedy, the abuses connected with which lay deeper and required more severe handling than the noble Lord fancied, because they were connected with the whole system of ecclesiastical administration. He (the Bishop of Oxford) admitted cases of defamation were very numerous, not in London, but in certain of the wilder parts of the country; but though the machinery provided for the purpose was very bad and imperfect, there was no difficulty in repressing the evil by its means. He was quite ready to part with this, which at present was found to be a wholesome mode of repression, if a better mode was provided; but he was against abolishing a portion of an ancient complex system, when he believed there was danger of the remaining portions working badly. This ancient law of the Christian Church, by which it exercised the power which must always be inherent in the Church of Christ to censure sins as sins, had existed for centuries previous to the reign of Edward VI.; and if first one and then another alteration were made in the category of offences, it would at length be reduced to a hopeless chaos of unmeaning words. It was one thing to establish a principle on a true basis not capable of abuse, and another to take away one thing, and then another, and yet leave the whole system unaltered and unchanged. At present a check was provided against a parish priest excluding any of his parishioners from the Holy Communion, because he was bound to notify the same to the Bishop, who could proceed against him in the Ecclesiastical Courts if he so thought fit—a privilege which was also conceded to the person aggrieved; but the Bill did away with that, and left the party without any redress. He had not obtained his acquaintance with the law ecclesiastical without knowing it wanted a very complete reform, and he trusted he might live to see such a reform carried out ; but it must be a reform not by individual Members of either House picking out two or three telling cases of abuse, but a reform that would bring back the system of ecclesiastical discipline to that more reasonable and more primitive state which the abuses of modern times had corrupted.

LORD WODEHOUSE intimated, in reply to the right rev. Prelate's observation, no remedy being substituted for that proposed to be abolished, that the Bill made these offences punishable as misdemeanours. He should feel it his duty to divide the House upon the Bill.

The BISHOP of OXFORD explained that he did not say it was the inalienable right of the Church of Christ specially to deal with cases of defamation, but that the Bill was a partial interference with that discipline of the Church, which discipline was one of its inalienable rights.

EARL FITZWILLIAM said, the right rev. Prelate (the Bishop of Oxford) was not satisfied with this "piecemeal reform" of the ecclesiastical law, but desired to bring it back to its primitive state. Now he wished to know, and he believed a good many of their Lordships wished to know, what the primitive state of the law was to which the right rev. Prelate desired them to return. Judging, not from the words, but from the tone and manner of the right rev. Prelate's speech, he thought their Lordships could easily understand at least the spirit of the system which he longed to see restored. He thought their Lordships, too, would be justified in concluding that the right rev. Prelate's professed objection to the Bill was not his real objection to it—that it was not because it was a small reform, but because it was the commencement of a reform which might lead to something further, namely, to a complete reformation of those courts which, according to his own statement were now a scandal to the country and the Church—that the right rev. Prelate was so anxious to defeat the present measure. The right rev. Prelate, however, had professed himself a radical reformer of the Church and of the Ecclesiastical Courts. He refused to reform by degrees, but desired to go at once to the root. What his scheme was it was not for him (Earl Fitzwilliam) to anticipate; but, at least, after the speech which the right rev. Prelate had just delivered, the country would know where to look for one who was desirous to destroy the corruption of the Ecclesiastical Courts, whatever he might introduce in their place.

The EARL of DERBY: It was my earnest hope, after the statements which have been made by both the right rev. Prelates, and after the representations which have been made in the other House of Parliament, and which I am quite ready to repeat on this subject—that the subjects of the ecclesiastical law and the practice of the Ecclesiastical Courts should receive the earnest and anxious attention of the Government—that the noble Lord would have consented not to press the Bill which he has now laid before your Lordships. I am quite convinced that that which my noble Friend on the cross benches (Earl Fitzwilliam) appears to impute to the right rev. Prelate (the Bishop of Oxford), namely, as to his being found an uncompromising opponent of the existing abuses in the system ecclesiastical, will be found to be very much the reality, and not merely the insincere expression which the noble Earl in his observations, by way of taunt and ridicule, would seem to suppose they were. I am very far from saying that questions of this kind may not be properly brought forward by independent Members of Parliament in this or the other House; but, at the same time, I will venture to exprsss my opinion that where there is a large question necessary to be dealt with —a question of a most difficult and complicated character, involving the removal of abuses which have arisen in the process of time, and chiefly and mainly in consequence of altered circumstances and habits —I think that, in such cases, the Government—and I do not speak particularly of this, but of any Government which have means at command, assistance to call to their aid, and counsels of able individuals to take—may and must have an opportunity of dealing with large questions much more satisfactory than independent Members of Parliament can do by separate measures, affecting only trifling questions, which, after all, do not go to the root of the evil. Not concealing from myself the great difficulty of the subject, and not presuming to lay before your Lordships a satisfactory scheme, I beg to say, at the same time, that the attention of the Government shall be devoted to the question, with the view of removing the abuses which now exist; and with that declaration, I must express a hope that the noble Lord who has introduced the Bill, and very properly called the attention of the House to a small portion of an important subject, will be contented, especially, looking at the period of the Session, and the admitted necessity on his own part for the introduction of Amendments into the Bill, which must receive the concurrence of the other House of Parliament, and that he will consent to leave the question for the present in the hands of the Government, and to wave the Motion which he has just made.

Lord WODEHOUSE was sorry that he could not assent to the proposition of the noble Earl, but must press the measure. The country expected it, and would regard it as an earnest of that more extensive reform which was promised that evening.

The Marquess of CLANRICARDE said, that that was the first time he had heard the postponement of a Bill urged on the ground of the lateness of the Session, on the 16th of June, particularly in the case of a Bill which had passed through the House of Commons, supported by both sides of the House, and amended by the law officers of the Crown by the introduction of the only proviso which he had deemed requisite in the measure—a Bill, too, which had been brought up to their Lordships' House without one dissentient voice. If the Government had not thought it a proper Bill, they ought not to have given it their approval in the other House. But they should not, at all events now, on the plea of the lateness of the Session, seek to throw over the Bill when they had given no pledge that they would undertake the reform which was admitted to be needed for those scandalous abuses. It was by no means creditable to the Government thus to reject this proposed Amendment of abuses without any prospect of a reform being put forward even as "looming in the distance."

Lord CRANWORTH sincerely hoped the noble Lord would not consent to withdraw the Bill.

Lord WODEHOUSE: Hear, hear!

Lord CRANWORTH: He rejoiced to hear that that was not the noble Lord's intention. Although the measure proposed to deal with that which was undoubtedly a very small matter, it was nevertheless an acknowledged abuse, acknowledged to be so by six right rev. Prelates who were upon the Commission; and the removal of it, so far from interfering with the great reform contemplated by Government to be made hereafter, would, in his (Lord Cranworth's) opinion, clear the way for and facilitate the passing of such a measure. But he had a further reason why he thought the Bill should pass now, and it was that the arguments of the Bishop of Oxford went to the assertion of the doctrine that there ought to be ecclesiastical jurisdiction over laymen. Now, at a period like the present, when so much was said respecting the "encroachments" of ecclesiastical jurisdiction upon the civil rights of the country, he felt that he should be guilty of a neglect of his duty if he did not rise and enter his protest against the doctrine which inevitably flowed from the words of the right rev. Prelate. For this reason, then, if for no other, he trusted his noble Friend would presevere with the Bill.

On Question, "That ('now') stand part of the Motion, their Lordships divided:—Content 45; Not-Content 80: Majority 35.

List of the Content.

MARQUESSES.
Anglesea
Clanricarde
Lansdowne
Normanby

EARLS.
Airlie
Bruce
Bessborough
Carlisle
Chichester
Clare
Darnley
Ellenborough
Fitzwilliam
Fortescue
Granville
Grey

Ilchester
Lovelace
Minto
Morley
Rosebery
St. Germans
Scarborough
Shaftesbury
Sefton
Waldegrave

VISCOUNTS.

Sydney
Torrington

BISHOP

Gloucester

BARONS.

Ashburton
Beaumont
Brougham
Calthorpe
Campbell
Carington
Colborne
Cranworth
Elphinstone
Foley
Leigh
Lilford
Saye and Sele
Stanley of Alderley
Wodehouse
Wrottesley

Resolved in the *Negative;* and Bill to be read 2ª on *this day Three Months.*

ENFRANCHISEMENT OF COPYHOLDS BILL.

House in Committee (according to Order).

LORD LYNDHURST begged, before their Lordships proceeded to consider the clauses of this Bill, to say a few words with respect to the course which had been adopted in reference to it by his noble and learned Friend on the woolsack; and he was the more anxious to do so, because when his noble and learned Friend proposed to have this measure referred to a Select Committee, a noble and learned Lord opposite (Lord Campbell) had alleged that the object in doing so was to prevent the passing of the Bill in the present Session. It was absolutely necessary that the Bill should be referred to a Select Committee; and if they had pursued any other course, or if the measure had been passed as it came up to their Lordships from the other House of Parliament, great injustice would have been done in many instances. It now appeared before their Lordships in a greatly improved shape. His noble and learned Friend on the woolsack was entitled to the sincere thanks of all those who were interested in the measure, for it was mainly by his exertions that the blemishes which had defaced the measure had been removed. As a Member of the Select Committee, he (Lord Lyndhurst) felt bound to make that statement in vindication of the conduct of his noble and learned Friend, at whose instance it had been referred to that Committee.

LORD CAMPBELL said, he had never doubted for a moment that the proper course to be taken was to refer the Bill to a Select Committee. He had applauded that mode of proceeding in their Lordships' House, particularly with regard to measures that were to effect an alteration in the law. It was the course he uniformly pursued himself; and if he had imagined, when it was proposed on the second reading of the Bill to refer it to a Select Committee, that it was intended to pass the measure this Session, he never would have opposed that Motion. But the noble and learned Lord who had just sat down, seemed to have forgotten what passed on the second reading. The noble and learned Lord on the woolsack then said, that the Bill was, in his opinion, wrong in principle as well as in detail. His noble and learned Friend pointed out the injustice that would be done to lords and tenants by the measure, and made a bold and masculine speech against the principle of the Bill. When his noble and learned Friend said that, instead of moving that it be read a second time that day three months, he should move that it be referred to a Select Committee, he (Lord Campbell) was not rash in thinking that his noble and learned Friend was of opinion that the Bill ought not to pass. He submitted that nothing had been done on his part to expose him to the censure of his noble and learned Friend opposite (Lord Lyndhurst), and he felt he had done nothing of which he should repent. He was rejoiced that the Bill had been referred to a Select Committee, for the measure had undoubtedly been greatly improved by that tribunal; he was rejoiced that the Government were favourable to the Bill, though when the second reading was proposed they had exhibited symptoms of a different kind. He did not know whether the change that had since taken place had been caused by communicating with the Home Secretary. He hoped that right hon. Gentleman explained to them what had taken place in the other House, and pointed out the impropriety of Government opposing a Bill in one House of Parliament and supporting it in the other. He hoped he had made an impression upon those who influenced their Lordships' House, and that there was now a sincere desire that the Bill should pass the House and become the law of the land.

The LORD CHANCELLOR had hoped that his noble and learned Friend opposite (Lord Campbell) would have viewed his conduct in a better light, and that, at all events after the statement which had been made by his noble and learned Friend near him (Lord Lyndhurst), he would have withdrawn the censure which he had thought fit to pass upon him. His noble and learned Friend had repeated the accusation after he (the Lord Chancellor) had denied it, and asserted that he was professing and declaring one thing while he intended another. There was nothing that he wished to avoid so much as to get into a controversy with any noble Lord; but he felt his course was, holding the office he did, and considering it to be his positive duty, to tell their Lordships what his sincere opinions were on the measures that came before them. He was not to ask whether those opinions were popular op unpopular, but merely to give them the opinion he entertained. He had after laborious study and attention expressed his real opinion to their Lordships on this Bill; it was not a popular one, and his noble and learned Friend objected to it. His noble and learned Friend stated in the House, and repeated in the Committee, that he did not object to a Select Committee, but he did object to a Select Committee when it was intended for an indirect purpose; and his noble and learned Friend had repeated the assertion, though he (the Lord Chancellor) had disclaimed such an intention over and over again. He (the Lord Chancellor) had never concealed his opinions—he felt that in accepting this Bill, it was a choice of evils, and though a remedy was called for, they could not pass this measure without inflicting considerable injury on a very large number of persons. He felt that he could point out parties who would suffer deeply from the measure, and was assured that they would hear of their distress. He thought that their Lordships were responsible for the consequences, and that they ought to take leisure and care in carrying that measure. He was prepared to do anything in his power to make the measure as good as it could be made, and to lessen evils which were inevitable; and he took the liberty of stating to the Committee upstairs, that they should take care how they acted, and endeavour to prevent a great mass of evil and distress falling upon a great number of persons. He thought that his noble and learned Friend should have now adopted a different tone, and that he should have expressed his sorrow that he had ever doubted the good faith in which the Select Committee was proposed, and his pleasure to find that everybody on every side of the House had but one object in view, namely, to pass as perfect a measure as possible. Without meaning to say anything disagreeable to his noble and learned Friend the author of the measure, he must make this observation: he had stated, after reading the Bill in its original shape, that he could not take upon himself to say that it was a measure, unless alterations were made in it, which could effect the objects in view. No sooner had the Bill got into the Select Committee than his noble and learned Friend (Lord Campbell) himself declared that it was the very worst drawn Bill he had ever seen. He (the Lord Chancellor) had taken a great deal of trouble with it, both in and out of the Committee. There was not a clause in it that had not been cut about in every direction. Some eight or nine new clauses had been added. In fact, he had never seen a Bill more hacked and mutilated by a Select Committee, and he had never seen one that more required it. He hoped it would now effect the object for which it was passed, their anxiety being to protect the poorer class of tenants.

Lord CAMPBELL had not the smallest desire to interrupt the harmony of the House; but the Bill, though improved, was still a Bill for the enfranchisement of copyholds, which his noble and learned Friend some time ago thought was a measure highly objectionable and not to be effected.

The Earl of STRADBROKE said, it would have been perfectly impossible to pass the Bill in the shape in which it originally came from the House of Commons; and he was confident that, in proposing that it should be referred to a Select Committee, it was never the intention of the Lord Chancellor to throw out the Bill.

Lord BEAUMONT bore his testimony to the pains taken by noble and learned Lords to make the Bill of a practicable shape. A more difficult question to deal with it was scarcely possible to imagine; but he believed the Committee had completely succeeded, and that the Bill was now in a state to do the least harm and the most good of any Bill that could be framed.

Lord CRANWORTH said, from the first moment the Committee met until the last, when the Bill assumed the shape in which it was now presented to their Lordships, there had been the most unremitting and impartial endeavours on the part of the Members to do justice between the parties whose interests were affected, that he had ever seen in the whole course of his life. It might have been anticipated, perhaps, that a Committee of that House would have tended rather to a bias in favour of the lords; but on the contrary, he thought he saw sometimes an almost ridiculous sensitiveness respecting the rights of the tenants: he believed that the interests on both sides had been as fairly arranged as possible.

Amendment made: The Report thereof to be received *To-morrow.*

LUNATICS BILL.

Order of the Day for Second Reading read.

The EARL of SHAFTESBURY, in moving the Second Reading of this Bill, said that the importance of the subject would, he was sure, be a sufficient excuse for his bringing it forward at this late period of the Session. It was a measure which had been long in preparation, and every week's delay in its progress had more and more contributed to manifest its necessity. The case of a Member of the other House, which had recently engaged such general attention, was one which added great force to the growing demand for legislation of the kind. It was become quite essential that persons so afflicted should not be permitted to wander about, merely because they had not committed some absolute crime. When a crime had been committed, it would be poor consolation to the sufferer, or to the sufferer's friends, or to the public, to know that the perpetrator had at last been taken into safe custody; and there was no knowing from hour to hour when the crime would take place; blows with the hand might at any moment be followed up in the case of such madmen by blows with a knife or a sword. Such cases, moreover, were not exceptional; on the contrary, they were very numerous, and they were particularly rife at moments of public excitement on any subject. The necessity of some provision of the kind was first brought under public notice by the Commissioners of Police in 1848, in a memorial to the Home Office, which arose out of the case of Mr. M——, a case that often appeared in the police courts, and was the case of a man who went about threatening the lives of various persons, but whom, in the absence of any overt act of outrage on his part, the police were not in a position to take into their charge, though he was well known to be mad, and whom, to prevent any violence on his part, no fewer than twelve policemen were engaged for several weeks in watching. This danger prevailed to a much greater extent than their Lordships supposed, insomuch that the police complained of their time being occupied by duties of that kind. The law as it now stood would not permit any man to be apprehended, though notoriously and to all intents and purposes a lunatic, until he had committed some positive overt act, and then he was not brought up as a lunatic, but as having been guilty of a breach of the peace. The case of Mr. M—— was but a fair sample of that of very many persons who were still at large, with very great pressure on the police, with very great danger to the public, and with obviously extreme uneasiness to the threatened parties and their friends. The measure now before their Lordships had been prepared under the sanction of the Commissioners of Police, of the Commissioners in Lunacy, and of the Home Office. Why it had not been brought in before he could not say, but he presented it now under what he considered an immediate and pressing necessity, and he trusted it would meet with their Lordships' ready concurrence. The provisions of the Bill were very simple and safe. They enacted, that in the case of any person of the description to which he had referred going about without relatives, or having relatives who did not discharge their duty, the police might go before a magistrate, and, having made deposition on oath of the facts of the manifestation of insanity, and the probability of violence, the magistrate might order the alleged lunatic to be brought before him, cause him to be examined by two medical men, and, if they pronounced him insane, make out an order for his transmission to the county lunatic asylum; or, if that should be full, to some other place of lunatic reception duly licensed and registered. The existing law (8 & 9 *Vict.*, cap. 126) was quite inapplicable to the case in view, reaching as it did only the case of wandering lunatics, or those who were ill-treated or neglected by their relatives. The machinery of that Act, besides, was slow and clumsy, being in the hands of overseers and relieving officers. It could not be objected that this provision of the Bill narrowed the liberty of the subject, for it, on the contrary, gave far greater security against the possibility of abuse, in the reference that it made of the alleged lunacy to a magistrate in the first instance, than was given to alleged lunatics generally under the existing law;

but, even were it otherwise, lunatics were surely not the only persons to be considered; the public at large, and threatened parties, had at least an equal claim to protection. The other provision was, that where any keeper of a private asylum had a dangerous lunatic, for whom payments had ceased to be made, and whom he might, therefore, discharge, in such cases the keepers of the licensed houses were required to bring such persons before a magistrate, and the magistrate, on due inquiry, might give an order for his admission into the county asylum. Such were the provisions of this measure, which he thought did not infringe on public liberty at all; and he trusted that their Lordships would at once give it their sanction.

Moved—"That the Bill be now read 2^a."

The DUKE of RICHMOND did not wish to oppose the measure itself, but he strongly objected to the manner in which it was proposed to add largely to the liabilities of the county rate. The relatives of lunatics who were at all in a position to pay should be made to pay for or towards their maintenance.

The LORD CHANCELLOR would not oppose the principle of this Bill; but he would suggest that his noble Friend should postpone further proceedings with it until the next Session of Parliament. It was a most important measure, and required more consideration than it was possible for their Lordships to give to it at the present advanced period of this Session. The evil of which the noble Earl complained ought to have a remedy, and next Session he should be happy to give him every assistance in his power.

The EARL of SHAFTESBURY said, he would adopt the suggestion of the noble and learned Lord on the woolsack, and postpone this measure until next Session.

Bill (by leave of the House) *withdrawn.*

SUITORS IN CHANCERY RELIEF BILL.

The LORD CHANCELLOR moved the Second Reading of the Suitors in Chancery Relief Bill, which, his Lordship said, had now come up from the Commons, where it had undergone very great discussion and consideration, after having been framed on the Report of the Commission appointed to inquire into the subject. He entirely concurred in the general principle of the Bill, which might be truly called one for the relief of suitors in Chancery; not, indeed, that he could venture to promise the suitors any immediate relief as regarded the expenses of litigation, because, although this Bill would remove a great portion of the burdens which now pressed upon the suitors' fund, yet (as in all such cases) the expenses of the alteration—the compensation to old officers whose offices had been abolished—would exhaust so large a portion of the money saved by the new regulations, that it must be a considerable time before the suitors would derive that relief which the Bill was undoubtedly calculated ultimately to afford. The Bill would abolish fees and copy-money in the Court of Chancery, substituting for them a scale of stamps. It would also transfer from the suitors' fund to the Consolidated Fund the judicial salary of the Lord Chancellor, and the salaries of the Lords Justices and the Vice-Chancellors, amounting altogether to 28,000*l.* a year, so that the country now took upon itself to bear, as indeed it ought to bear, the payment of the salaries of the Equity Judges. The Bill would, moreover, abolish many offices of the Court of Chancery, and would regulate and reduce the salaries of those which remained. Indeed, he believed that the number of officers attached to the Lord Chancellor, could not be further reduced consistently with the discharge of his duties. The Bill also contained an important provision, which, although it had not perhaps found a very fitting place there, he was unwilling to strike out. Its object (an obviously just one) was to prevent the poor man who became a lunatic from being burdened with the same heavy expenses which fell upon the rich man. It would, however, be necessary to exercise great care in carrying out this provision, in order that, while doing justice to the poor man, they should not throw upon the property of the rich an unfair share of the cost of the administration of the affairs of lunatics. He hoped their Lordships would agree to the second reading of this Bill, which, in order to avoid any impediments being raised, he proposed to pass without amendments, though he must guard himself against being supposed to approve of the framing and wording of some of the clauses.

LORD LYNDHURST said, that he quite agreed with his noble and learned Friend with respect to the general merits of the Bill; but, although he should not oppose the second reading, he should in Committee move two or three amendments, in order to prevent any injustice being done.

LORD CRANWORTH said, by this Bill the clerks who were transferred with the equity jurisdiction from the Court of Exchequer to that of Chancery, would only be entitled to compensation according to the number of years they had been clerks in the latter court; now, he thought they should be allowed to claim upon the number of years they had been engaged in both courts.

Bill read 2ª (according to Order) and *committed* to a Committee of the whole House *To-morrow.*

MILITIA BILL.

Order of the Day for the House to be put into Committee read.

Moved—"That the House do now resolve itself into Committee."

On Question, *Resolved* in the *Affirmative.*

House in Committee accordingly.

Clause 1 to 5 agreed to.

On the 6th Clause,

The DUKE of CLEVELAND expressed an opinion that a more ample security for the due discharge of these duties would be afforded if the appointment of sergeants rested with the Horse Guards, instead of with Her Majesty, as was proposed by the clause.

The DUKE of RICHMOND said, he had not before had an opportunity of expressing his opinion upon the Bill; he would therefore take this opportunity of remarking that, when the Marquess of Lansdowne, on a previous evening, complained that the time for drilling was insufficient, he (the Duke of Richmond) entirely agreed with him that fifty-six days would not be sufficient time for making men fit for the line; but, at the same time, he would be very much ashamed of himself, in the regiment which he commanded, if he could not make men sufficient in that time to serve behind stone walls. There was a class of young men who had obtained their discharge from the line, but who did not like the situation of railway guard, and who ruined themselves if they opened a public-house —these men would be delighted to come into the militia regiments, and would form excellent lance-sergeants and lance-corporals. He was very glad to hear that it was intended by the Bill to introduce those who had been officers in the army and the Indian service as majors and captains of the militia, for, besides the justice that was thus done to the officers, the men would be more likely to follow them than those whom they had known as only country gentlemen. But when some said the militia would be of no use, he would take them even in Sussex, which was the county, if an invasion took place, that would be invaded, and he would ask whether, when it was necessary to obstruct the roads, to blow down bridges, and to raise defences, the militia would not cover the labourers when engaged in these occupations? Yet he could have no hesitation in confessing that were he to be the *Chasseur Britannique* in Sussex, he would much rather be at the head of a regiment of the line or the Guards than lead a regiment of militia; but old as he was, he believed they would teach the *Chasseurs de Vincennes,* were they to come into Sussex, the lesson which they had taught the Imperial Guard at Waterloo. People who laughed at invasion, if they had only seen the horrors of war, would be too happy to pay a small insurance for their safety. He had no amendment to propose on this clause—he preferred it should stand as it was; but whatever change they might make in it affecting the Lords Lieutenant, he begged, for himself and the rest of them, they would not give them more patronage. For, having something to do with the Sussex Light Infantry Militia, he had received seventy letters—including three Baronets among the writers—in regard to the adjutancy, which he was sorry on that account to say was vacant.

The MARQUESS of SALISBURY observed the appointment of adjutants was always vested in the Crown.

VISCOUNT HARDINGE, in answer to a noble Lord, explained that the drilling of the militiamen would be managed by sergeants of the line, who would be lent for the purpose from their respective regiments, to which they would return at the end of the twenty-one days, so that their military efficiency would always be maintained. If any of these sergeants gave such satisfaction to the colonels of militia regiments, as, in the event of the regiments being embodied, to make it desired that they should be attached to them, every facility for such an arrangement would be afforded by the Horse Guards. At the same time, in order that no discouragement might be given to the militia, the Bill would allow of the appointment to such office of militiamen properly qualified.

Clause agreed to; as also Clauses 7 to 24.

On Clause 25,

The EARL of STRADBROKE moved

an Amendment that the period of training in each year should be twenty-eight instead of twenty-one days.

The MARQUESS of SALISBURY said, that by the next clause Her Majesty, with the advice of Her Privy Council, might extend or reduce the period, so that the whole training in each year should not exceed fifty-six, nor be less than three days.

VISCOUNT HARDINGE had had a great deal to do in his earlier life with the training of Portuguese soldiers, and it was never found necessary to take more than thirty days before sending a recruit into the ranks, where he made a very good soldier. A friend of his in the Guards had assured him that his regiment used only to take thirty-five days; now, indeed, it being a period of peace, they took about sixty-five, because, having time to spare, it was not thought right to make the recruit perform the London duty till he was more completely drilled; but a soldier might be perfectly well trained for infantry purposes in thirty-five days.

A NOBLE LORD having suggested a more extended drill than that provided for in the Bill,

The EARL of DERBY would wish to call the attention of their Lordships to the fact, that the House of Commons had assented to the proposed period of training, and that any increase would of necessity involve a certain expense, which would make an addition to the estimates, and there would be an additional pressure on the country. The House of Commons had at first agreed to a period of twenty-one days, and had then assented to the power given to Her Majesty, with the advice of Her Privy Council, to extend the period to fifty-six, or decrease it to three days. He quite agreed with the noble Lord that a better soldier could be made in twenty-eight than in twenty-one days; but at the same time he thought it well that their Lordships should sanction the clause as agreed to by the House of Commons.

Amendment *withdrawn;* Clause *agreed to.*

Other Amendments made. The Report thereof to be received *To-morrow.*

RETIRED LIST OF THE ARMY—BREVET RANK OF VETERAN LIEUTENANTS.

The DUKE of RICHMOND presented a petition from old lieutenants of the Peninsular Army, and those who served during the war, praying that the Brevet Rank of Captain may be conferred upon them. He (the Duke of Richmond) thought these brave veterans were fairly entitled to this honour, which, in fact, would only put them in the position of the captains of yeomanry and disbanded corps, and which would not entail any expense on the country. These men had bled for their country, and in its service visited every part of the known world, and it really was not too much for the country to give them the brevet rank of captain which they asked, in consideration only of the wounds they had received, and the services they had rendered their country.

Petition read, and ordered to lie on the table.

PROPERTY TAX ACT—RIGHT OF APPEAL.

The DUKE of RICHMOND said, that having presented a petition on Tuesday night from Mr. Elmer, on the subject of the grievance tenant-farmers laboured under with respect to the right of appeal against overcharge of income tax, he was anxious to state that he had received a communication from his noble Friend (the Earl of Derby), to the effect that an order had been issued by the Board of Inland Revenue, to the effect that tenant-farmers who held from Michaelmas to Michaelmas, or from Midsummer to Midsummer, would be entitled to appeal equally with those who held from Ladyday to Ladyday. He was glad that his noble Friend had so promptly done an act of justice to a class which was now suffering severely from the depression of the times.

The EARL of DERBY: I must disclaim the merit of having so quickly listened to the prayer of the petition presented last night; for, on inquiry, I found that the order alluded to by the noble Duke had been issued some days before. I was quite sure that the disability complained of arose from a mere technical, or rather clerical, error (if it were in the law at all), and one which the Board of Inland Revenue would have the power to correct. I was glad to find that the complaint had not only been made, and favourably received by the Board, but that the remedy had been actually applied. If the noble Duke will move for the order itself, I shall have no objection to lay it on the table of the House.

The DUKE of RICHMOND thought that that would be desirable, as then greater publicity would be given to the fact, and the farmers who had received adverse answers from the local surveyors might the sooner have their grievances rectified. He, therefore, moved for the return.

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 17, 1852.

MINUTES.] PUBLIC BILLS.—1° School Sites Acts Extension; Property of Lunatics.

2° Metropolitan Burials; Consolidated Fund; Militia Ballots Suspension; Militia Pay; Distressed Unions (Ireland).

3° New Zealand Government; Hereditary Casual Revenues in the Colonies; Appointment of Overseers; Pharmacy.

METROPOLIS WATER SUPPLY BILL.

Order for Committee read.

LORD JOHN MANNERS said, that he should not have thought it necessary to say a single word in moving that Mr. Speaker do leave the Chair for the House to go into Committee upon the Metropolis Water Supply Bill, had it not been for the notice given of an Amendment by the hon. Member for Penryn (Mr. Mowatt). He merely wished to observe, that the Bill now stood as a Bill introduced by the noble Lord his predecessor (Lord Seymour), and amended by the Committee to which it had been referred. The House would therefore see that the Government did not hold themselves entirely responsible for all that the Bill contained; but they did believe it would effect a very great improvement on the present system of supplying water to the metropolis. In one respect the Bill was of very great importance, for it introduced the principle of Government interference and control in reference to that subject.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. MOWATT, in proceeding to move the Amendment of which he had given notice, said he was anxious to explain that, while no one was more sensible than he was of the great inconvenience attending a discussion of such a kind as that on which he was about to enter, in the present state of public business, and in the prospect of an immediate dissolution, he reconciled himself to the duty he had to perform by the reflection that it was evident the public out of doors had not the least conception of the real character or provisions of this Bill. It was calculated to affect so vitally the interests of the mass of the community in the whole metropolis, that he could not allow it to pass through that House, even under the circumstances to which he had alluded, without at least pointing the attention of Members, who might not have been led to consider the question, to the extraordinary character of the Bill, or rather, he should say, to the extraordinary deficiencies or omissions of a Bill professing to settle a question which had agitated the public mind more or less for the last twenty-five years. He was confident that the Gentlemen composing the Committee on the Bill had not a just appreciation of what would be the effects of the measure; and, without meaning the slightest disrespect, or casting any imputation on the capabilities of the Members who sat on that Committee, it was easy to explain why that was almost as a matter of necessity. So those Gentlemen, unlike the Committee of last Session, were not appointed to consider the whole question, and to report such a plan as, after due inquiry, they might think best suited to meet the emergencies of the case. Not at all. This Bill, together with a number of Private Bills, had been submitted to them by the Government, seeking additional immunities, privileges, and extensions of existing powers, solely that they might say yes or no to them; and he apprehended that those Gentlemen had confined themselves strictly to their legitimate province in simply reporting in favour of the Bills in question. He would further remind the House, that the public were not represented before that Committee. The public had no standing at all, though one of the two parties most interested in the proposed compact. In those facts he found a justification for forcing himself on the attention of the House, while he recapitulated and repeated—for he was willing to admit there was nothing new in the question—some of the many objections which had not been considered by the Government or the Committee to the arrangements contemplated by the Bill. He should endeavour to confine himself to the leading facts of the case; for to substantiate fully what he could most satisfactorily prove, would require an entire morning's sitting, so voluminous were the statements, so numerous the facts, which had to be taken into consideration, before arriving at a mature decision. The two or three cardinal points to which he wished to call attention, were simply these: what was it that the inhabitants of the metropolis had complained of for the last twenty-five years? They complained, first, of the sources of supply for water: that had been a subject of complaint from the establishment of the companies. The second great grievance was the mode of distribution; and the third, to which he regretted that so much importance, speaking relatively, was attached, was the price. He said he regretted that so much importance was attached to that point, because he looked upon it himself as a secondary matter; but last year the vestries, while they went with him in all other respects with reference to the remedial Bill that he had introduced on this subject, would not co-operate with him in his attempt to carry that Bill, because the price proposed in it was greater than they thought they ought to be called on to pay. If the House would bear in mind these three points—the source of supply, the mode of distribution, and the price charged, and would then go into the consideration of this Bill, they would find that all three were touched in so slight a degree as to involve an aggravation, he feared, of the evil, and an aggravation for this reason, that if matters remained as they now were, it would no doubt be necessary to legislate in the next Parliament on these very grounds; whereas, if a measure were now enacted, it could not be supposed that the next Parliament, or the next twenty Parliaments, would interfere with the matter. First, in regard to the question of the sources of supply, he could appeal to the right hon. Baronet, who had devoted himself so much to the consideration of this subject last year, and whom he was glad to see in his place (Sir James Graham), as well as to every Gentleman present at the proceedings of the Committee which then sat, whether the question of supply, as against the Thames, was not already a settled and decided question? Taking some twenty authorities, who had given their opinion the last few years, he found that there were only two out of that number who had any doubts as to the Thames not being a fit source of supply. He should like to read those authorities, but felt himself placed in this disadvantageous position, that, for the reasons already assigned, he could not then do so, and yet he could not without great injury to the cause he represented pass them over altogether, and would consequently refer to some few of them. The work from which he was going to quote had been submitted, he believed, to the Committee on this Bill, as it was to the Committee of last year. It was a work of which the Board of Health had spoken highly, but not more so than it deserved. He alluded to a report by Dr. Angus Smith, to whom had been referred by the Metropolitan Sanitary Commission the specific question, whether by ascending the Thames, the objections to the use of water from that river, could be removed. Dr. Angus Smith devoted the most untiring attention and zeal to the inquiry, and he gave his facts and authorities, rather than opinions of his own, so as to enable others to judge for themselves. The views of five or six of the authorities to which he attached most importance, might be recapitulated. He took first the statement of Dr. Trotter, one of the first to draw the attention of the public to the condition of the water, as, independently of other objections to which it was open, being so saturated with animal and vegetable matter, that no process of filtration could render it subsequently fit for human consumption. Dr. Trotter said—

> "No water carried to sea becomes sooner putrid (than Thames water.) When a cask is opened after being kept a month or two, a quantity of inflammable air escapes, and the water is so black and offensive as scarcely to be borne. Upon racking it off into large earthen vessels, and exposing it to the air, it gradually deposits a quantity of black slimy mud, and becomes clean."

Hon. Members might say they had heard that over and over again—that there was nothing new in the statement; but, under the circumstances of the case, he (Mr. Mowatt) was under the disagreeable necessity of obtruding such facts as these again on the attention of the House. The next authority was Mr. Thomas, who described Thames water as—

> "A fluid loaded with impurities, and on a more minute analysis found saturated with decayed vegetable matter, and other substances equally deleterious."

The next opinion cited was that of Dr. Hooper; for these were not witnesses like the witnesses brought up before Committees by hundreds, whose opinion was of no value whatever, but who, according as they received a fee, tendered an opinion on the one side or the other, and even did so to the same Committee. Dr. Hooper said, "At one time it was not only filthy in appearance, but had an unwholesome smell." The pith of Mr. Brodie's opinion was, that "it was manifestly impure, and, from the quantity of foreign matters which it contained, must, he conceived, be unwholesome, and altogether unfit for culinary purposes." Dr. Paris "could not find terms to express the awful effects it might be likely to produce upon the health, and even the lives, of the inhabitants." Dr. James Johnson said—

> "It is absolutely astonishing that in these days of refinement, and in a metropolis whose inhabitants pride themselves on delicacy and cleanliness, a practice should obtain at which posterity will shudder, if they can credit it. A time must come when the people of London will open their eyes to this scene of corruption, veiled as it is by iron pipes and stone pavements."

There were a great many others who expressed similar opinions; there were, as he had already remarked, twenty eminent men who were unanimous, with the exception of two—who thought by filtration more might be done than others thought possible by that means—in the belief that under no circumstances could the Thames water ever be made fit for the consumption of human beings. Commissioners were appointed some years back to make inquiry; and those Commissioners, Dr. Roget, Mr. Brande, and Mr. Telford, summed up their report as follows:—

> "Assuming the supplies to be derived directly from the river, and to be subjected to no intermediate process tending to purification, it is sufficiently obvious that the state of the weather will materially affect the purity of the water"—

(This had relation to the substances brought down by heavy rains or floods, the animal matter and fæces, of which other authorities spoke)

> —"which is sometimes comparatively clean and clear, and at others loaded with various matters in mechanical suspension, rendering it more or less turbid and coloured. In the latter state, when thrown into cisterns and other receptacles of houses, it is manifestly unfit for immediate use; but after being allowed to rest, it forms a certain quantity of deposit, and thus may become sufficiently clear for ordinary purposes. This deposit, however, is the source of several evils. It renders the cisterns foul, and runs off into those pipes which issue from or near the bottom of the reservoirs. By the agitation which accompanies every fresh influx of water, this deposit is constantly stirred up, and becomes a renewed source of contamination to the whole mass; and, although chiefly consisting of earthy substances in a state of minute division, it is apt also to contain such proportion of organic matters as will occasion a degree of putrefaction when collected in any quantity, and especially in warm weather."

He would suppose that the argument he was urging might be met with the answer, that the Bill did in part make provision for remedying the evil by providing for filtration. Dr. Lambe, who subjected Thames water to an examination with reference to organic matters, and those qualities which filtration did not remove, said—

> "The object of this memoir is to prove that the water of the river Thames, whether taken up in the vicinity of London, as high up the river as Windsor, or at an intermediate point, as above Twickenham, is impregnated with matter of this description. The presence of organic matter in water often becomes evident to the senses without the aid of chemical analysis, for they are apt to inhale a fœtid odour. In this respect, the water of the Thames at London is highly objectionable; but even at Windsor, though the water itself was not offensive, the matter left on evaporation had a disgusting and disagreeable smell."

Dr. Lambe then went on to give his facts, with which it was unnecessary to trouble the House, because, they were mainly of the nature of the statements, which would be contained in a chemical analysis on the report of a chemist; but Dr. Lambe used this extraordinary language, to which he (Mr. Mowatt) invited the attention of the noble Lord who had charge of the Bill, because allusion was made in the words he was about to quote to the only remedy which the promoters of this Bill effected, or thought proper to apply to the existing evil, that of going higher up the stream above Teddington; and some objections to the water being removed on its way downwards, as it became less hard. Dr. Lambe said—

> "Concluding from these observations that I should find the river less loaded the higher I went up, I was resolved to examine it at a considerable distance from London, and accordingly procured that which I call Teddington water, which must be the same in quality, and which is the point from which it has been proposed that the supply for the metropolis should be taken. The event, however, proved quite contrary to my expectations;"—

(He had no bias against that water, but on the contrary had set out with impressions in its favour;)

> "for this water gave a *residuum* of 122 grains, of which 92 were insoluble, and 30 soluble matter (that is, 20·3 grains per gallon). According to this experiment, then, the Teddington water was more loaded with foreign matter even that taken from below Blackfriars-bridge."

In subsequent parts of his statement he went on to show how that was accounted for. The London shipmasters, when they could not obtain perfectly pure water, preferred taking it very foul, so as to ensure its undergoing the process of fermentation by which it purified itself; but the water which was not so loaded with foreign matter, as to bring on that fermentation retained and exercised its injurious properties on the inhabitants of the metropolis. He could have wished to show step by step, what was perfectly demonstrable, and incontrovertible, that so long as water was taken from the Thames, the evil could not be abated; but he besought the House to take this common-sense view of the case, the Thames, from Oxford downwards, was the great sewer of the country through which it ran. All the impurities, all the drainage, of the population was deposited therein. It was as completely the main sewer of the country through which it ran, as any arched or subterranean conduits or pipes which discharged the duty of main sewers in London. There was a ludicrous statement of this fact in a report of the Board of Health, with reference to the constant complaint of owners of land in the valley of the Thames, that the great bulk of the manure which they spread over their lands, was swept into and carried down by the river. He would sum up what he had to say on this head, by reading the concluding part of the Report of the General Board of Health in 1850:—

> "We must state, as our conclusion upon this topic of inquiry, that if the water of the Thames could be early protected from the sewerage of all the towns draining into it, and from the sewerage of the metropolis—if it could be purified from animal and vegetable matter as completely as deep well water, or as some of the surface water from the chalk districts, as proposed by Captain Vetch, we should nevertheless feel compelled, upon the evidence recited, to pronounce water of such degree of hardness to be ineligible for the supply of the metropolis."

That he might not be open to the charge of reading any unfairly selected portion of that Report, he begged to state that this part of it alluded to another grand objection which applied to the water of the Thames, namely, the quantity of lime it contained. He ventured to say, that probably not many Gentlemen even in that House were fully aware of the fact, which had been demonstrated over and over again, by the most unquestionable authorities, and might be so in 24 hours, that, independently of the animal and vegetable matter, which was contained in the water of the Thames, that water had a defect which alone would render it unfit for use by human beings, namely, its extreme amount of hardness, arising from the large quantity of lime held in solution in it. Besides the abominations to which he had referred, there were 16 grains of carbonate of lime in every gallon of the water, which was equal to 26 tons of lime in a single day's supply of 44 millions of gallons to the metropolis. That was an incontrovertible fact, in proof of which he might mention, that all the water companies set to work employing chemists to make analyses, when this astounding fact was first published; but when he told the House that none of them had thought fit to publish the results of such analyses, he thought they would admit that the fair conclusion to be drawn was, that they admitted that the statement could not be contradicted. That circumstance guaranteed the authenticity of the statement. The question of hardness involved other momentous considerations, besides that of merely rendering water less fit for the purposes of ablution, the washing of clothes, and the like. He was almost afraid to state the amount of the injury, measured in money, which it was calculated to inflict on the metropolis; but some estimates carried it as high as 3,000,000*l.* The effect was felt in malt, hops, dyes, in whatever required to be held in solution by water; and when one reflected on the number of substances which required to be so treated, it would be perceived at a glance to what a great extent the hardness of the water would prove detrimental, to what an extent the continuation of the supply from the Thames imposed taxation on the community—a taxation the more injurious because it fell on those who were least able to bear it, and who indeed were generally ignorant of the extent of it. If the noble Lord noticed that fatal and grand objection—that objection which would not be cured, it was to be hoped he would state why the Government persisted in acting, either as though it had not been thoroughly established, or as if they too were ignorant of it. People out of doors had not the least conception of what would be the immediate and instantaneous effect of the Bill, especially with reference to the question of price. But with him (Mr. Mowatt) the purity of the sources of supply was a still more important question. To justify his dwelling on this part of the subject, he would remind the House of what the Registrar General told them once a year—and if there were an epidemic, once a quarter—that between 15,000 and 16,000 deaths took place annually in London, which were clearly treaceable to preventible causes; and that to the quality of water, and the condition of sewerage, the greatest proportion was attributable. What were the specific grounds which induced the Government to shut their eyes to the real facts of the case, and within the last week of the Session, when the subject could not receive the consideration it deserved, to force this Bill into law, and thereby, as it were, to cushion this question for ever? Reverting to the Report of the Board of Health, he would read from it one more extract, bearing still on the question of quality and the objections to the Thames as a source of permanent supply, in which it was stated that—

> "The river Thames and its tributaries, which are largely derived from land springs through chalk strata, are varied in quality by the surface flood waters. The presence of these surface flood waters is made known to the population by the particularly turbid state in which the water is delivered. Much of this turbidity is occasioned by animal and vegetable matter so completely in chemical solution, that, as several witnesses have stated, the common strainers or filters will not remove it. It is also the complaint of agriculturists, that much of the manure applied to the land, as well as the finer particles of soil, are swept away by heavy rains into the ditches and natural watercourses. The deposit of surface particles of inorganic, mixed with a large proportion of organic matter, detained by the filtration of Thames water from above Battersea, amounts, in the reservoirs of the Vauxhall Company, to more than a foot in depth per annum."

There was another paragraph so pithy at the close of the Report that he could not abstain from inviting the attention of the country out of doors, as well as that of the House, to that part of the subject to which it related. As an additional motive for taking that course, he might have mentioned, that not only had the public, as before stated, no *locus standi* before the Committee, but it had been repeatedly stated in public, and being left altogether unnoticed and unanswered, he must assume that the fact was so, that no less then seventy Members of that House were interested in the existing Companies. Supposing that were the case, he might be asked if there were not as many interested in railway companies? There was, however, this difference, that railway companies were a check on each other—they were in competition with one another. But it was not so with the water companies. Since the termination, in 1817, of the contest among the water companies, the metropolis had been parcelled out among them as completely as if it were a private domain. The great Powers at the congress of Vienna did not divide Europe among themselves so completely as the water companies had the metropolis. Was there any competition, for instance, between the Lambeth and Southwark companies, although each had laid the district of the other to some extent with its own pipes? The House would bear with him for dwelling on that point, seeing the public had no person to represent their interest before the Committee on the Bill, and so large a portion of the House were on private grounds interested adversely. Nay, so all-powerful had this interest become, that it appeared even to have paralysed the opposition of the public press of late days, with the single exception of the *Times*. Formerly all the metropolitan papers made the subject of our water supply a theme of constant animadversion and complaint; but of late, with the one exception alluded to, all advocated the cause of these great and most obnoxious monopolies. At any other time he would not have made an apology for detaining the House considering the vastness of the interests at stake; as it was, nobody could be more unwilling to obstruct their arrival at that point to which they were looking forward with so great anxiety; but the subject was of such vital moment to the millions of the metropolis that he considered it justified his present interposition. The Board of Health repeat, in their concluding resolutions:—

> "1. That for domestic use it (the Thames water) is inferior to the average quality of water supplied to towns.
>
> "2. That its inferiority as a supply for domestic use arises chiefly from an excess of hardness."

Though they dwelt on the abomination of animal and vegetable matter, they yet thought the quantity of lime gave it a degree of hardness which was positively a still greater objection to its use. They proceeded to say—

> "3. That even when taken above the reach of pollution from the sewers of the metropolis, it contains an excess, varying with the season, of animal and vegetable matter."

They went on to say that other streams from which the metropolis was in part supplied, were no better than the Thames. It might be said it was all very well to point out those radical defects in the Bill; but where was there an available remedy to be found? He himself spoke with less confidence on that point, though he had read a great deal of evidence on the subject. The opinion of Professor Copeland, Captain Vetch, and the Hon. Mr. Napier, were embodied in the Report of the Board of Health. They said there were waters superior in quality to be had, which were not liable to any of the vital objections that applied to the water of the Thames, and which could be introduced at a mere fraction of the expense incurred for the supply from that polluted source. It was obvious to common sense that, as pointed out by those eminent chemists to whom he had referred, as well as by the Board of Health, it must be better, as a general rule, to take our sources of supply from the tops of hills, where possible, than to go to the bottoms of valleys, which operated as in the case of the Thames, as mere sewers and drains to the surrounding and adjacent country. Two Governments successively, not having thought of going to the Surrey hills, or any of the other five or six sources within reach, from which London might be supplied with water absolutely pure in all respects at one-fourth or one-fifth the price now paid for the present impure supply; there must be some objection, some want of faith on their part, which had induced them to shut out the facts relating to these new sources from their cognisance, and to abstain from dealing with the subject in any way in connexion. In passing, he might observe, that the reason why the public apparently were taking no interest in the Bill, was, that it had not been subjected to the ordeal of discussion that usually took place on the second reading of a Bill. He had seen it remarked upon with satisfaction, that it had passed the second reading without opposition, whereas the simple fact was, that on that occasion no description of it had been given. He wished to hear some explanation on a proceeding which seemed so extraordinary. He (Mr. Mowatt) would now advert to the second object, the distribution of the supply of water in the metropolis, which was admitted by the noble Lord below him (Lord Seymour) to be second in importance only to the point already considered. The Bill professed to provide a remedy in part; but that remedy was so insufficient, that it would probably fail altogether. He (Mr. Mowatt) could point out two objections to the existing mode of supply, which no provision had been introduced to meet. He had some American authorities, to show what immense expense it was there thought necessary to incur, for the purpose of getting over the difficulties to which he referred. The supply of water in London, for the mere convenience of the companies, and to save them expense, was carried just under the surface of the earth only, so that the water was subjected to all the alternations of the temperature of the atmosphere: however perfect the supply of water when it entered the main, it was deteriorated in quality by means of the temperature, which exercised great influence over it. No provision was made in the Bill to require that in future the mains should be laid deeper; and when the companies could have the necessary repairs to their pipes effected all the more economically that they lay close to the surface of the ground, they did not care to incur greater expense by laying those mains deeper of themselves, when it was the public convenience and advantage alone that would be thereby benefited. Another objection was, that the companies only brought their water in one main pipe through the streets, leaving the inhabitants to convey it to their houses by leaden pipes, which imposed upon them a charge probably tenfold greater than the Companies would have incurred, had they been required to deliver the water within the houses. There were a great many other objections to the machinery of the Bill, but, as he should have an opportunity of entering into the details in Committee, he would not now trespass further on the attention of the House. With regard to the subject of distribution, however, he hoped the noble Lord would state to the House the reasons, if there were any, why the water supply could not be connected with the drainage of the metropolis. Every engineer who had given evidence bore testimony to the vast economy, the immense advantage, and, indeed, the absolute necessity of combining the two undertakings. They reasoned thus: Supposing you had the command of the finest supply of water imaginable for the metropolis—an unexceptionable river, for instance—surely, before introducing it into the metropolis, you must determine how, by what system of sewerage, you will subsequently dispose of it, after it shall have served the first purposes of the inhabitants; otherwise it may become, not only a great evil, but an intolerable nuisance. The association with which he (Mr. Mowatt) was connected, and by whom the Bill that he had introduced had been prepared, had consequently, very early in their deliberations, come to the conclusion that the two services of water supply and drainage were, in all aspects, to be considered as inseparable. He might add, that to all who had reflected on the subject, it was obvious too that the sewage substances would go far to defray, if not entirely cover, the expense of both services. Ships were now going all round the world for guano, while every chemist, if not their own common observation, would tell them, that in the sewage matter of London they possessed an ample supply of manure, equally good. By the sewerage being united with the water supply, it would greatly improve the health of the metropolis, which suffered much from its humid climate. He called upon the noble Lord who was responsible for the Bill, to explain why it was that he had taken no note of that fact, seeing that it was impossible economically to deal with one branch of the subject without dealing with the other. He now came to the question of price. He must say, with all deference to the Committee, that they had been completely outwitted by the water companies, in the compromise which had been come to on the subject of price. All the existing Acts gave the Companies the power to take from the metropolis no less than from five to seven and a half per cent upon the rental of each house respectively, for the supply of water; and the Companies, parading this fact before the Committee and the public, took great credit for moderation, in consenting that their charges should be limited under the new Bills to four and five per cent upon the rentals. But to appreciate the amount of sacrifice actually made by the Companies, it should be understood, that in no single case had they ever charged 7½ per cent, or 6 or 5 per cent, and that generally they charged rates varying between 2 and 3½ per cent only; consequently, as by their new Acts they would have the power, and as it was well understood they now purposed to make use of it to its fullest extent—as the only means of obtaining what they considered an adequate return on the great additional amount of capital they were by these same Acts authorised to raise and expend—of charging in the first instance, 5 per cent in the case of one company, and 4 per cent in all the others, for what was termed an ordinary supply of water; and additional sums for water for other purposes equally necessary, such as for water-closets, baths, &c., for which, under the existing Acts, no separate charge has been made: so far from the Companies making any actual concessions to the public, they are about to charge, or take the powers to charge, which is tantamount to the same thing, very much higher rates than they have ever done before, in many cases amounting to 50 per cent more than is at present paid. As an illustration, he (Mr. Mowatt) would cite the instance of his own house, No. 14, Devonshire Place. Its annual value might be taken at 250*l.*, and he was supplied by the West Middlesex Company. They charged him for ordinary service, 5*l.*, for high service, 2*l.* 10*s.*; for stable, 1*l.* 10*s.*; in all 9*l.* per annum—whereas, under their new Act, he would be liable, for ordinary service at 3 per cent, 7*l.* 10*s.*; first water-closet, 10*s.*; for three others at 5*s.*, 15*s.*; a bath, 10*s.*; in all, 9*l.* 5*s.*, to which is to be added, high service, at 25 per cent on the above, 2*l.* 6*s.* 3*d.*, and for stable any sum the company choose; but supposing that they only charge what they now receive, that will be 1*l.* 10*s.* more; and as the company are also authorised to charge specially for washing a carriage, supposing that they demand a like sum of 1*l.* 10*s.*, that will make the total 14*l.* 11*s.* 3*d.*, or upwards of 60 per cent increase upon the price he now paid for his water! In the present state of the Session he would abstain from any other comment on this contemplated change, than, that he felt certain the public had no idea of its nature and extent, and, above all, that they had no conception of the outrageous enhancement of the price of this element of life, to which they were about to be subjected. In proof of this, he had only to remark, that although the Ratepayers' Bill, of which he had taken the charge in that House, was in all other respects extremely popular, yet had the parochial bodies, simply on the ground that the power of levying rates to the extent of 5 per cent on the rental of the metropolis—to provide for an entirely fresh source of water supply, compensation to the existing Companies, and a new system of trunk drainage—was too large and extensive to be entrusted with safety to any body, even although that body, as in that case, would have been nominated by themselves, ultimately declined to give it their support, and it was in consequence abandoned. In other words, they threw up what might be called their own Bill on the subject, rather than be exposed to the possibility of paying for a perfect system of water supply and drainage, less than what they would be compelled to pay for the present wretched supply of water but partially improved, alone. He (Mr. Mowatt) must add, however, that it was not merely the excessive price that the inhabitants of the metropolis were to be charged for water, that was to be deprecated; but a greater evil still, if that were possible, would be inflicted on society by the passing of these Acts, from the mode in which this outrageous price was to be collected from the people. Not satisfied with four and five per cent on the rental of houses, the Companies were to be allowed, under these Bills, to demand a specific and separate payment for each water-closet, and each bath in every house, amounting in many instances to no less than 10*s.* for each of these necessities of civilised life; a sum so large that it would have the effect, doubtless, in numerous cases, of compelling the inhabitants to deny themselves the use of these conveniences, so absolutely indispensable to cleanliness, health, and decency. Just let the House reflect for a moment on the impolicy, the cruelty, he might say, the inhumanity, of such a tax as this! Why, he (Mr. Mowatt) considered that of all the monstrous modes that had ever been suggested of raising money, that of permitting joint-stock companies to do so, for the mere purpose of gain, by a tax on water-closets and baths in the metropolis, was, without exception, the most barbarous and revolting. It was in fact a tax on health and decency, and a premium for filth and brutality. It should be observed, too, that there was no reasonable plea or excuse for this additional and disgusting charge on the part of the Companies. They had stated that it was simply to reimburse them for the extra expense they had incurred in raising a large quantity of water to a greater height than would otherwise be requisite; but this was altogether a fiction. The Report of 1850 of the Board of Health, from which he had already several times quoted, showed most distinctly that this notion of any great additional outlay, on this ground, was entirely erroneous. It showed, for instance, that in cases where the Companies had exacted from 10*s.* to 1*l.* for delivering water at a given height, the actual cost of raising it to the highest parts of houses for the whole year did not exceed 4*d.*; and, again, that the real extra cost of pumping water to the high-service height seldom exceeded 2*d.* for 400 tons, or 100,000 gallons; and yet by these Bills the Companies would be entitled to charge 9*d.* for each single thousand gallons, or, in other words, 3*l.* 15*s.* for what cost them 2*d.*! In like manner the Report showed that the water for each water-closet, for which these Companies are to be allowed to demand 10*s.*, could on an average be supplied for little more than one farthing per annum. Well may the Report, therefore, go on to say that one of the consequences resulting from the abandonment to trading companies of the water supply is, that the inhabitants are charged, not according to the cost of the service, or the article they receive, but simply in proportion to their necessities, and to the powers of exaction for supplying them. In fact, the only limit to their demands is the cost at which water can be obtained by hand labour. To sum up what he had to say on this branch of the subject, he (Mr. Mowatt) would now cite a passage from the Report, showing what the cost of water supply and drainage to the metropolis might be reduced to, under an improved system, relieved from the baneful influence of joint-stock trading companies. The Report stated that—

> "The total of the several estimates presented of combined and complete works, consisting of public works of water supply, with mains, service pipes, and apparatus to houses, public works of mains, intercepting and discharge lines of drainage, branch, house, and subsoil drains, sinks, traps, and dustbins, the soil-pans, engine power, together with the current expenditure on pumping to effect both a constant water supply and constant drainage; surface cleansing of streets and courts, and the relief of the Thames from its pollutions, would thus give, under combined management and extended contracts, an average charge per house over the whole of the metropolis of about 5*d.* per week; a sum less than the present average charge for a defective and partial water supply alone."

Now if these calculations were anything like well founded—and coming from such an authority they were entitled to great respect—surely the House must perceive that by sanctioning these Bills they were about to inflict evils of the most serious and grave character upon the metropolis—evils that could scarcely be estimated by any money consideration, but which went directly to affect the physical, social, and moral condition of the people, in the most fearful and injurious manner, bearing most oppressively too on the poorest and most helpless classes. The hon. Gentleman the Member for Leeds had observed that the East London Company's Bill, which allowed them to claim five per cent upon the rental of houses, besides the extra charges for water-closets, baths, &c., was an exceptional case. He (Mr. Mowatt) thought it indeed ought to be so, but in a very different sense from that in which it had been treated by the Committee. Considering that it supplied the very poorest classes of the metropolis, it ought to have been more restricted in its charges than any of the other companies; whereas it was permitted to exact nearly twenty per cent more than all others. Was this not most harsh, most unfair? He (Mr. Mowatt) was for his part an advocate for making the houses of the wealthy pay a portion, if not all, of the cost of supplying water to the poorer inhabitants, for he believed that by this mode the rich would be by no means the losers, but rather the gainers, seeing that it would have the effect of improving the sanatory condition of the metropolis generally, and warding off sickness and epidemics from themselves. It would, in fact, be an economical mode of paying their own doctor's bills, for nothing was better understood now than that the health of the wealthier classes of the metropolis was to a very great extent dependent on the sanitary condition of the poorest portion of it. It was with the latter that cholera and its concomitants generally originated, spreading afterwards to the classes above it successively. The only objection that could be urged against this system of rating was, that in many instances it would operate for the benefit only of landlords who were not needy—of owners of house property. The noble Lord opposite (Lord John Manners) had said, why not have stated these objections to the Companies' Bills at the time they were all before the House. His answer was, that in the first place so little notice had been given, that they had passed without his being aware of it, and altogether without discussion; and, in the next place, because the noble Lord had given notice that he would, in the Government Bill now under their consideration, introduce a clause restrictive of the powers taken by the Companies in their different Acts for levying rates, and on which he (Mr. Mowatt) relied for remedying the defects in those Acts, *quoad* the price to be charged the community for water; but now that those Acts had all passed, the noble Lord had withdrawn his notices of amendments, and thus left the metropolis entirely to the mercies of those Companies. This he thought was doing great injustice to the metropolis, and he (Mr. Mowatt) was confident, he repeated, that the public had no correct notion of what would be the effect upon themselves of these Bills. He felt sure they were not prepared to have the cost of water increased upon them. ["No, no!"] Hon. Gentlemen said "No, no!" but he contended there was no doubt that under these Bills they would be compelled to pay a higher price. Why, the single fact that by them the Companies were empowered to raise and expend 130,000*l.* more, would of necessity entail, in the shape of interest on all this additional capital, great extra cost to the inhabitants. The Companies now levied on the metropolis 440,000*l.* per annum; and when they had laid out this additional money there was no doubt they would raise their rates to 600,000*l.* at least. On the whole, therefore, for the reasons he had assigned, and for many others that under the circumstances he was obliged to suppress, he (Mr. Mowatt) thought it would be better, much as he admitted legislation was needed on the subject, to defer the further consideration of this Bill to the next Session, when the time necessary for dealing properly and effectually with this vexed social question could be afforded. This delay, although an evil in itself, would be preferable to the crude and hasty enactment with which it was now proposed to remedy the present deplorable state of things. The present Bill would have the effect of conferring a fresh lease of life, indeed he was afraid he might say a perpetual legalised existence to these great trading-in-water Companies —a greater injury than which to the metropolis he could not imagine—and, in fact, of cushioning all complaints against the present system, as it were, for ever. If he thought that the Bill was susceptible of such an amount of improvement in Committee as would make it bearable, he would not have objected to that course being taken; but seeing that its principle was objectionable in the highest degree, that it was radically defective, too, in the essentials of such a measure, and that it omitted all provisions for the great evils under which the metropolis had so long suffered, he felt that the only proper course he could take was to object to proceed now any farther with the Bill, believing, as he did, that the inhabitants of the metropolis would rather tolerate their present grievances a few months longer, and await an opportunity of obtaining effectual and permanent relief from them, than adopt a measure which will preclude all prospect of real redress.

VISCOUNT EBRINGTON begged to claim the attention of the House for a few minutes. He must say that the conduct of Her Majesty's Government with regard to this Bill was very extraordinary. A Bill, like this, of great importance, affecting the interests of 2,500,000 inhabitants, was read a second time, as a matter of course, at a late hour of night. Not the opponents of the Bill, therefore, but Her Majesty's Government, were responsible, if they were obliged to take the discussion on the only opportunity which had been afforded to them during the present Session. It was in the first instance pronounced that a schedule of rates and charges should be introduced, so as to establish a uniform charge upon the inhabitants; but that was withdrawn. Subsequently, clauses were introduced with the view of compelling the companies to compete against each other. Those were withdrawn. A number of private Bills had been brought forward by different Companies, and had been passed, he and those who concurred with him protesting at the time that they acquiesced in those Bills merely because they did not wish to raise any discussion until a public measure should be brought forward that was to deal with the whole question. He himself had applied to the House on behalf of a society consisting of bishops, noble Lords, and literary men, to be heard before the Committee, but he was refused; and the consequence was, that the Committee had had no opportunity of getting at the truth except when the witnesses brought forward by the several Companies differed among themselves, and it was remarkable how much they did contradict and controvert one another. For instance, while some of the chemists called spoke of the beneficial effects of filtration on the water supplied, in removing much, though of course it could not remove all, of the various foreign substances mixed up in it; one chemist—called, of course, by a non-filtering Company—deposed to the worse than uselessness of the filtering beds established by the other Companies, as adding a taint of organic slime to the water passed through them. He would not say that the statements of the witnesses examined before the Committee were false; but they were coloured, and tinged with the bias they received from the interested parties by whom they were engaged. A very eminent scientific man had declined to appear before any such Committee, because, he said, it placed him in a false position, the party who engaged him expecting that he would give his testimony with a bias in their favour, while it was his own desire to speak the plain truth, and give his evidence without any bias whatever. But that was not the only ground of his objection to the Bill. It appeared to him to be distinctly a retrograde step from the consolidation of administrative arrangements to which legislation had latterly tended, and that, too, with such remarkable success. It was perfectly obvious that to place the cognate functions of drainage and water supply under different administrations must lead to an unnecessary waste of time, trouble, and expense. An ample supply of water was a blessing to any district when there was a sufficient drainage, but it became a positive nuisance when there was no drainage at all. The House well knew the remarkable effects produced in many districts both in England and abroad by artificial drainage, by pumping out the superfluous water. What must be the consequences in similar places of the opposite course of pumping water in? For want of these means the district south of the Thames was saturated with wet, and the health of the inhabitants suffered very much in consequence. But they had not only *à priori* reasoning in favour of such a consolidated administrative arrangement for drainage and water supply: they had a remarkable concurrence of authorities. The Report of the Health of Towns Commissioners, at the head of which was the Duke of Buccleuch, the Duke of Newcastle, and others equally eminent; the Metropolitan Sanitary Commission; a vast mass of engineering and other witnesses; several of the leading organs of public opinion, periodical and daily; the Towns Improvement Act, passed by Parliament; the Public Health Act; and, lastly, they had not merely this concurrence of authority—they had the results of actual experience in favour of it. The practice of the country demonstrated its advantages. Town after town had its local boards administering the combined functions of water supply and drainage, of which there was one most satisfactory example, Croydon, within twenty miles of the place they were now sitting in, where a most efficient system of combined drainage and water supply was now in operation at less than half the rates imposed on the metropolis. The Bill, however, did not even consolidate the different Water Companies under one management. Like the wiser, but still defective Bill of last year, which equally continued the separation between the management of the drainage and water supply, this miserably retrograde Bill before the House left each Company its separate staff, though it was admitted by the hon. Member for the Tower Hamlets, and by Mr. Quick—the Chairman and the Engineer of the largest Water Companies—not to mention any other witnesses, that no less than 65,000*l.* a year would be saved in establishment charges, if the water supply alone were consolidated under one management. The next objection which he had was, that the supply of a prime necessity of life was left by the Bill, as at present, to be a subject for the rapacity of private traders. He objected also to the miserable quality of the supply proposed. The witnesses who spoke to the purity of the Thames water, had, in his opinion, utterly failed to make out their case. It was proved that the water of the Thames was full of feculent matter, and that it emitted a most offensive odour. The Thames even above Teddington was the main drain of a populous district, containing more than half a million of inhabitants; but even if the water there were free from organic matter, which it notoriously was not, its hardness was not to be denied; indeed it was rather greater there than lower down the stream. Perhaps hon. Gentlemen were not aware of the expense occasioned by the hardness of water used for domestic purposes. It had been calculated that the laundresses' bills in the metropolis amounted to 5,000,000*l.* or 6,000,000*l.* annually. Now some 20 tons of chalk were daily pumped into the metropolis at present. A ton of chalk would neutralise 20 tons of soap, which cost 50*l.* a ton; and it acted most injuriously also on tea, hops, dyes, drugs, &c. The extra cost occasioned to the metropolis by the hardness of the water used, could not, therefore, at the most moderate estimate, be put down at less than 1,000,000*l.* a year. If no other water could be obtained, it would be necessary patiently to submit to the inconvenience; but it had been ascertained, on the testimony of three independent engineers, two of them largely engaged in important water works for different towns, that there was an ample supply ready to be distributed to the metropolis, of a purity and softness quite unexceptionable. But the water was not only to be bad in quality, its price at the lowest amount suggested as the limit, would be extravagant and oppressive—more than double that which would be paid in the various towns and villages in the country which adopted the Public Health Act; more than double the amount now being paid, as he had already mentioned, for constant and unlimited supplies at Croydon; and this, though the general rule notoriously was that larger supplies of any article could be provided remuneratively at a lower price than small supplies. The House ought not to mistake an absence of agitation for indifference: the state of feeling which existed on the subject was rather the consequence of misplaced reliance on the public declarations of successive Prime Ministers, and the congratulations conveyed in Speeches from the Throne, of a mistaken impression that the cause of sanitary reform was triumphantly secure, than of any indifference to its success. Did hon. Members suppose that the great interests concerned in the protection of corn and colonial produce could be swept away as they had been, when the people were once fairly roused to a sense of their own interests, and that those local obstructions which might operate in the present case would not be swept away much more easily? He objected to this Bill, in the first place, because it was a retrograde movement from the consolidation of arrangements which, being sound, right, and economical, they ought to adopt more and more instead of less and less. He objected to the Bill, because it placed in the hands of greedy traders the control over one of the prime necessaries of life, which ought to be supplied to the inhabitants of the metropolis at the cheapest possible rate, as in America, and as in some of the large towns in this country. He objected to the Bill, because in the mode of distribution there was no satisfactory provision for a constant supply, and no efficient control by Government even by the amended clauses of the noble Lord (Lord J. Manners); and he objected, lastly, to the Bill, because of the inferior quality of the water, and its extravagant price. He should, therefore, support the Amendment of the hon. Member for Penryn.

Mr. T. DUNCOMBE said, the old Companies used to be regarded as the great stumbling-block as far as regarded any improvement in the supply of water to the metropolis; but now there seemed to be a new body called the Sanitary Association, which was a far greater nuisance. Of what it consisted he did not exactly know. One used to hear of the three tailors of Tooley-street, who assumed to be the people of England; but now it appeared that this Sanitary Association was assuming to be the health of the people of England. A pamphlet had been put into his hands proceeding from that Association. He had read it attentively, and the greater part of the speech made by the hon. Member for Penryn was that pamphlet. Water from the top of the hills of Surrey was recommended, and water from the bottom of valleys was said to be extremely bad. The noble Lord the Member for Plymouth stated that he had got a friend who found in Thames water something of a feculent odour. [Viscount Ebrington: One of the Company's witnesses.] Nobody could be surprised that water should have a feculent odour in the Thames. The noble Lord had acted as a Commissioner of Sewers, and in that capacity he had discharged into the Thames about 10,000,000 cubic feet of feculent matter, which it was calculated would cover thirty-six acres of surface six feet in depth. Yet, seriously, the noble Lord and the hon. Member for Penryn (Mr. Mowatt) were now delaying measures which would correct the great evil that existed. There was an apathy on the part of the public in regard to legislation on this subject; but from what had that arisen? This momentous subject had been trifled with; and how long was it to be so? The question pressed for settlement. Several Private Bills had been passed for the improvement of the supply of water; and how came the Government Bill to control them? Yet the House was gravely asked to postpone it for another year. He did not say it was perfect, but that was no reason why they should go without it. The Government had pledged themselves to this measure, and one for extramural interments. Those were questions to which the noble Lord at the head of the Government said, on assuming the reins of office, that he would apply his attention as "useful and humble" measures of social reform. The public were looking to Ministers for a completion of those measures. The people would not grudge one, two, or three sittings more if they should result in the passing of good, useful, practical measures. These must not be thrown overboard or passed precipitately. If the House would give its attention, he believed they could pass efficient measures on these two important subjects; and they ought, at all events, to go into Committee on the Bill.

Viscount EBRINGTON begged to explain that the witness to whom he had referred was no friend of his, but retained and paid by one of the Companies. He had referred to the evidence of Mr. Rogers, professor of chemistry, and of Mr. Harman Lewis. The water with the feculent odour was taken from Thames Ditton, and not from below the sewage of the metropolis.

Mr. W. WILLIAMS thought that nothing would be lost by postponing this question to another Parliament; and, on the part of his constituents, he entreated the Government to take time, so that a well-digested measure might be brought forward. None of the Members of the Committee to which the Bill had been referred were connected with the metropolis.

Sir BENJAMIN HALL said, he did not wish to delay the House going into Committee, but he could not remain silent after the speech of the hon. Member for Lambeth. He was much obliged to the Government for having brought forward this measure, and he thought they had exercised a wise discretion in adopting the Bill they found prepared. This was not a new measure, but matured by a Committee of Gentlemen wholly unconnected with the metropolis, with the sole object of doing justice to the metropolis; and after having sat for two Sessions, to complain of that Committee as not wholly unprejudiced was casting a very unfair censure upon them. But of all Gentlemen to complain of their proceedings the very last was the hon. Gentleman who had just spoken. When he talked of his regard for the interests of the constituency of Lambeth, he forgot that the supply of water to Lambeth was described as containing animalculæ larger, uglier, and fatter than was contained in water from any other part of the Thames. When this question was discussed last year the hon. Member for Middlesex (Mr. B. Osborne) produced a drawing of the immense animals found in the Lambeth water; and if Mr. Barry were to say that he had taken them for those very animals which appeared in the windows of that House, he (Sir B. Hall) should say it was very likely, for he never saw such odious, ugly things as his hon. Friend's constituents were continually eating and drinking; and yet his hon. Friend objected to the Bill brought in to improve the water supplied to the metropolis. He wished to have nothing to do with the Sanitary Association. Let the inhabitants of the metropolis manage their own concerns. They could not do away with the Companies—that was tried last year; but they could put them under control, and make provisions for lowering the price of water, and obtaining a purer and better supply. That was the object of this Bill; and yet so much objection had been made, that, instead of going into Committee at half-past twelve, they were still discussing whether they should do any business at all at five minutes to three.

Mr. GEACH said, he had more faith in the Committee than in the Sanitary Association or in the noble Lord the Member for Plymouth (Viscount Ebrington), and should therefore support the Bill.

Mr. MOWATT said, seeing that the opinion of the House was against him, he would not press his Amendment.

House in Committee.

Clause 1 *agreed to.* House resumed.

THE AUSTRALIAN COLONIES.

Lord NAAS presented a petition from the Legislative Council of New South Wales, embodying their solemn protest against the late Act of the 13 & 14 *Vict.*, establishing a new Constitution in that Colony, remonstrating strongly against the restrictions it imposed upon the Colonial Legislature; representing that they alone possessed the power of taxing the Colonists; and, particularly, that they were entitled to the disposition of the waste lands, and the funds produced by sales thereof.

Mr. GLADSTONE begged to suggest, that as this petition was a document of much historical importance, that it should be read by the clerk at the table.

Motion *agreed to;* Petition read accordingly.

On the Question that the petition be laid on the table,

The **CHANCELLOR of the EXCHEQUER** said, that he quite agreed that the petition was one of great importance, but that he had not had an opportunity of looking at it beforehand, though he saw several hon. Members had been provided with printed copies of it. It struck him, in listening to the petition, that there were many expressions in it which appeared not to be very dutiful or proper. Thus, Her Majesty was described as being only "the trustee" of what were her own dominions, and there were several other expressions which appeared very equivocal; therefore, he would rather postpone the question, in order that they might have an opportunity of considering the petition and the phrases alluded to.

Sir JAMES GRAHAM said, he considered the petition one of a very peculiar and important character. It had been presented by one of Her Majesty's servants (the noble Lord the Secretary for Ireland), as he understood; and, if there was any irregularity about it, he conceived the noble Lord, before he presented it, would have consulted his Colleagues. However, so far as he (Sir J. Graham) saw, he was not aware of any irregularity or any impropriety about the phrases of the petition. The statements of the petition were worthy of the most serious attention of that House. It appeared that the Colony undertook, if certain grievances were redressed, willingly to bear all the several expenses of their own Government which were now borne by this country, and which were every day becoming more and more onerous to the people.

Mr. SPEAKER said, that if the petition contained any expression disrespectful to the Queen, it ought not to be brought up. As it had not been received, it might be postponed till to-morrow, to see if that were the case.

Mr. HUME said, he considered it would be a great insult if the petition were rejected after it had been read at the table. The petition had been entrusted to him and to the noble Lord the Secretary for Ireland, but by some accident his copy had never reached him.

Mr. WALPOLE said, that the question was not whether the petition should be rejected or not, but only whether they should bring it up. He was quite ready to admit the greater part of the petition contained very valuable and important matters, which ought to be brought under the consideration of the House; but, never having seen the petition, and it having been presented by the noble Lord merely in his capacity as a Member of that House, and not as a Member of the Government, it certainly had occurred to him and to his right hon. Friend, when they heard it read, that the phrase that Her Majesty was only trustee of her own dominions was one which had never been adopted or recognised in that House before. They did not say the petition ought to be rejected; but that before it was received by the House it was proper to consider the phraseology of it, that they might decide if there was any objection to a phrase which might be used as a precedent at some future period.

Mr. GLADSTONE: Sir, I am partly responsible, I think, for the prominence given to this petition; and I wish to exonerate myself from the impropriety suggested. I read the petition before it was presented; and it certainly did not appear to me that there was any phrase to which objection could be justly taken. I am not surprised that the right hon. the Chancellor of the Exchequer should have been struck by the expression referred to on hearing the petition read for the first time. But it is evident that the phrase is only used in a sense in which it is perfectly open to be used, and more especially by a Colonial Legislature, for the phrase is not at all in respect to Her Majesty's "dominions," but simply in respect to the waste lands of the Colony, which are specially the subjects of sale, and to the funds that proceed from the sale. This being so clearly, I should regret greatly—not to say the rejection, but—any delay in the reception of this petition. The noble Lord the Secretary for Ireland is evidently primarily responsible for its presentation; and I am sure that the noble Lord would not have presented a petition of such great political and constitutional importance without having satisfied himself that its phraseology was free from all objection. I would deeply regret any hesitation in receiving the petition; for it would give rise to misapprehensions better to be avoided.

MR. ELLICE said, he quite agreed with the right hon. Gentleman. The waste lands in Australia, which had belonged to the casual revenues of the Crown, had been surrendered to the public by the Civil List Act at the commencement of Her Majesty's reign, and might be made applicable to the use of the Colony by a Minute signed by three Lords of the Treasury. Therefore, in using the expression "trustee" in connexion with the name of Her Majesty, the petitioners referred to the Executive Government; and, consequently, used language of a strict propriety. To throw any doubt upon the reception of this petition, would be to put an affront of the strongest kind upon the Colony. If the right hon. Gentleman the Chancellor of the Exchequer persevered, he (Mr. Ellice), for one, would be prepared to come to a vote on the question.

The CHANCELLOR OF THE EXCHEQUER: Sir, I will only observe, in answer to the right hon. Gentleman who has just spoken, that I cannot accede to the theory that Her Majesty and the Executive Government are synonymous. That is not a fact. Respecting the general observations made, I must say my objection to the phrase remaining, that I do not find the contents of the petition soften that phrase as much as I could wish. But, considering that we do not wish to interfere in this instance, I won't press my objection. At the same time, I feel that I only did my duty in taking the course I did.

MR. ELLICE said, he must deny that he had represented the Crown and the Executive Government as synonymous terms. He had only said that in this petition the peculiar circumstances of the transfer being known, the Executive Government only was referred to.

LORD NAAS: Sir, I am the last person, I hope the House will think, to present any petition to this House containing terms in the least degree disrespectful to Her Majesty. When this petition was placed in my hands I read it carefully; and I did not observe in it any expressions disrespectful to Her Majesty. Of course I am not supposed to agree with the statement or argument of the petition; but when it was handed to me I felt that I had no other duty to perform than to present it.

Petition *ordered* to lie on the table.

THE LOSS OF THE "BIRKENHEAD."

SIR GEORGE PECHELL said, he would beg the hon. Secretary of the Admiralty to state if the attention of the Board of Admiralty had been drawn to a letter in the public papers from an Admiral in Her Majesty's service respecting the loss of the *Birkenhead* steamer, complaining of the manner in which the duties were performed at Greenhithe by that scientific officer, Captain Johnson, R.N., for the adjustment of the compasses of Her Majesty's ships before they proceeded on sea service; and whether any report from the late commander of the *Birkenhead* on the compasses of that vessel had been received by the Admiralty; and, if so, whether the same would be laid before Parliament?

MR. STAFFORD said, the attention of the Admiralty had been drawn to the letter in question, and indeed any communication received, or any statement made by an officer in the position of the writer of that letter, would certainly command the attention of the Board. After the consideration of that letter, however, and the inquiries which the Board had felt it their duty to institute, they did not feel in any degree disposed to withdraw the great confidence which they had in the gallant officer, who had been so truly described by the hon. and gallant Member as that "scientific officer," Captain Johnson. The Admiralty had statements, both from Captain Salmond, after his experimental cruise, and from Commander Wylie, after the destruction of the *Birkenhead*, stating that Captain Salmond was perfectly satisfied with the compasses of the *Birkenhead.* In anticipation of this question, and in consideration of the great public interest which attached to the subject, he had appended to the minutes of the report of the evidence taken before the court-martial upon the survivors of the *Birkenhead* the correspondence which had taken place upon the subject of the compasses; and when the report was printed, as he hoped it would soon be, he should have great pleasure in laying upon the table of the House all the correspondence relating to this important subject.

ASSESSMENTS TO THE INCOME TAX ON TENANT FARMERS.

MR. FREWEN begged to ask the right hon. Gentleman the Chancellor of the Exchequer, if he considered that under the Property Tax Act, 14 & 15 *Vict.*, c. 12, s. 3, abatements might be made from assessments on tenant-farmers where the profits fell short of such assessments, if the farm was taken from Michaelmas to Michaelmas (which was usually done in the county of Sussex and many other counties), instead of from Lady-day to Lady-day? [The hon. Member then quoted some passages from a petition which had been presented from tenant-farmers on this subject.]

The CHANCELLOR OF THE EXCHEQUER said, this was a very important subject, interesting a very considerable portion of Her Majesty's subjects, and he did not think he could give a better answer to the question than by reading the following circular on the subject from the Inland Revenue Office, dated the 8th of June, and the issue of which probably preceded the petition which the hon. Member had read to the House:—

> "Inland Revenue, Somerset House, June 8.
>
> "Sir—Many inquiries have been made as to the periods to which the accounts of farmers should be made up, in order to show the amount of their profits from the occupation of their farms, upon appeal under the 3rd Section of the 14 *Vict.* chap. 12, against the assessments to the income tax under Schedule B, on the grounds that the profits in the year of assessment fell short of the sums assessed; and as it is understood that farmers do not make up their accounts to the 5th of April, but almost invariably to the 29th of September in each year, or thereabouts, I am directed by the Board to state that, under the circumstances, no objection is to be offered by the surveyors to accounts being received on such appeals for the year from Michaelmas, 1850, to Michaelmas, 1851, or to such other day in the year on which the accounts of the appellants shall have been usually made up, and to relief being afforded by the district commissioner, upon satisfactory proof that during such year the profits arising from the occupation of their farms did not amount to the sums assessed under Schedule B. I take this opportunity to observe, that the provision above referred to does not authorise exemption, although the total income of the party may have fallen short of 150*l.* in the year, but only an abatement of the charge to the amount of the profits actually acquired, in the same manner as relief is granted by the 133rd Section of the Income Tax Act in respect of assessments under Schedule D on profits of trade. I have further to state, that the relief is applicable to persons occupying their own farms as well as to tenant-farmers, provided they obtain their livelihood principally from husbandry. —I am, Sir, your obedient servant,
>
> "THOMAS KEOGH."

The hon. Member (Mr. Frewen) would therefore see that the point raised by him had been met by the Government before the petition was presented to the House, and that the relief which he required to be granted had already been secured.

THE WINE DUTIES.

MR. MULLINGS begged to ask the right hon. Chancellor of the Exchequer whether he was prepared to give such an assurance as would allay the apprehension at present prevailing throughout the wine trade, by the announcement of a project for reducing the import duty to one shilling a gallon—a rumour which was calculated to raise the price of wine abroad, and was already operating to the injury of the revenue by deterring parties from taking wine out of bond for home consumption?

The CHANCELLOR OF THE EXCHEQUER: Sir, I understand the hon. Gentleman to say that apprehension is occasioned by the announcement of a project for reducing the import duty on wine to one shilling a gallon. Now, in the first place, there is no project on the part of the Government to reduce the import duty on wine to one shilling a gallon; and I trust that no Government which is likely to exist in this country would entertain any project of such a kind. I will take the liberty of saying that there is no intention whatever on the part of Her Majesty's Government to recommend any reduction in the import duty on wine. I think that these questions when asked should be explicitly answered. Many years ago there was a reduction made in the duties on wine under Lord Ripon, which did not as a financial measure realise the success that was anticipated from it; and should the reduction to which the hon. Member has referred, as occasioning so much apprehension, be carried out, it would require an increased consumption of about 500 per cent to restore the loss of revenue that would be involved. Under these circumstances there is no prospect of such an increase of consumption as would make up for the sacrifice. The evidence that was taken before the Select Committee which considered this subject confirmed the view of the Government, that it is inexpedient to interfere with the wine duties. Moreover, I consider there are many other articles which have claims for reduction superior to the wine duty, because it is a duty on the luxuries of the rich, whereas there are many other articles largely used by the poorer classes of the country, which ought previously to be considered.

METROPOLIS WATER SUPPLY BILL.

Order for Committee read.

House resumed the Committee on this Bill.

Clause 2.

Mr. MOWATT moved an Amendment, the object of which was to require that all reservoirs within a distance of five miles from London, and in which water intended for domestic purposes was collected, should be covered.

Mr. WALPOLE said, the Clause provided that all reservoirs holding water for domestic purposes, within five miles of St. Paul's Cathedral should be covered; but it also provided, that if reservoirs within such a distance contained water to be subjected to subsequent filtration, they need not be covered.

Mr. MOWATT said, he considered it impossible by any mere process of filtration to render water fit for domestic use. Could it be said for a moment that water obtained, for instance, from the reservoir in the Park, could be rendered drinkable by filtration?

Mr. BARROW said, the Committee had devoted the closest attention to this clause, and they considered it would secure a supply of water perfectly fit for household purposes.

Mr. MOWATT said, he would not divide the Committee on his Amendment.

Clause *agreed to;* as were also Clauses 3 to 14 inclusive.

Clause 15.

Mr. MOWATT said, he should wish to propose to have five years, instead of three, fixed as the period within which the Companies should complete their arrangements for furnishing an improved supply of water. He also objected to the Proviso contained in the Clause, which enacted that the constant supply of water by each Company was to be subject to the provisions made in the special Act of each Company. It seemed to him that this would make the special Act in each case override the general Act.

Lord SEYMOUR said, he wished to explain that the different Companies supplied water at various heights, and that if one general height were fixed for all the Companies, they would be requiring of some of them what they could not do. The provisions in each of the private Acts fixed the exact height to which each Company could carry the water, and all that was intended by this Proviso was to confine them to that height.

Lord JOHN MANNERS said, this subject had received very careful consideration at the hands of the Select Committee, and he thought the clause should not be disturbed.

Viscount EBRINGTON said, he would observe that evidence was in readiness to show the facility with which the change to a constant supply could be made, but all such evidence was practically excluded by the Committee.

Mr. BARROW said, the interests of the public were well represented by counsel before the Committee, and everything was done that could be done to protect the public.

Mr. MOWATT said, he would not press the point, but he hoped the Committee would leave out the words which made the constant supply of water "subject to the provisions of the special Act relating to such Company."

Mr. GEACH said, that if these words were left out, the Lambeth Committee would be put to an enormous expense to supply some five or six houses, which, with their present means, they were unable to reach.

Sir BENJAMIN HALL would suggest that they should insert in a schedule the height to be reached by each Company.

Mr. WALPOLE thought that, by the omission of these words, they would press with undue severity upon two companies—the Chelsea Company and another—which were in a peculiar position.

Mr. MOWATT said, he must beg to call the attention of the noble Lord in charge of the Bill to the provisions required to be complied with before a constant supply of water was given, which he thought would render the clause itself inoperative. For instance, it was required that before a constant supply was given from any distant main, four-fifths of the inhabitants of that district were required to have provided themselves with the requisite apparatus for the working a constant supply in their houses. This, he believed, would operate as a denial of a constant supply for a great many years.

Lord JOHN MANNERS said, he had an Amendment upon the clause, which he hoped would obviate the objection of the hon. Gentleman. He proposed to add after the condition about pipes and other apparatus, words to the effect that a constant supply should be given on the requisition in writing of "four-fifths of the owners and occupiers on such main."

Mr. MOWATT said, he thought that a majority of the inhabitants should be sufficient, and that their assent only should be required. It would be physically impossible to get the written application of so many persons.

Lord JOHN MANNERS said, he considered that four-fifths of the inhabitants were not too many, when it was recollected that the demand would in effect tax the minority to a considerable extent, by compelling them to provide in their own houses the apparatus requisite for a constant supply.

Lord SEYMOUR said, if the mere application of the inhabitants of a district for a constant supply was all that was necessary, without their houses being adapted for its reception, the consequence would be that people would find their houses flooded, and, being wholly unprepared, they would be subjected to much inconvenience, and even alarm.

Viscount EBRINGTON said, he would refer to the case of Wolverhampton, where a similar change was made at the small expense of 16*s.* 6*d.* for each house, and no such fearful results as the noble Lord anticipated were experienced.

Clause *agreed to;* as were the remaining clauses.

Lord ROBERT GROSVENOR said, before the House resumed, he begged to be allowed to express his thanks to the Committee, and to his noble Friend who had acted as the Chairman, for the attention they had paid to this subject, for the manner in which they had discharged their duties, and especially for having contrived to include so many valuable enactments within such small compass. He regretted the want of proper municipal institutions to control matters of this kind, the consequence being that such subjects were referred to the Board of Trade, and much unnecessary odium was thrown upon the Government. He hoped the Government would turn their attention to the subject, and propose some measure to obviate this great and continually growing evil.

Preamble *agreed to;* House resumed.

Bill *reported* as amended.

METROPOLITAN BURIALS BILL.

Order for Second Reading read.

Lord JOHN MANNERS, in moving the Second Reading of this Bill said, that he was deeply impressed with the importance of passing this measure during the present Session. The evils which resulted from the existing system of burial were notorious; they had furnished matter for numerous blue books, and had animated the speeches of hon. Gentlemen on both sides of the House for years past. So impressed were the late Government with a sense of the necessity of abolishing entirely the existing system of intramural burial, that they proposed to Parliament a measure which had for its object the entire abolition of the nuisance. That measure gave great and almost extravagant powers to that department of the State which was intended to deal with the subject; but, great as those powers were, they were not sufficient. Indeed, after nearly two years' experience of the measure, the melancholy announcement was made, in a Report recently presented to Her Majesty, that not a single burial-ground had been closed under the provisions of the Act, and that nothing whatever had been done to mitigate the enormous evils which existed. The causes which led to the failure of the Act of Parliament were twofold. In the first place, as the money required to meet the considerable expenses to be incurred was to be raised by loan, the Board of Health had to give security to the capitalists who were to advance the necessary amount; and when those capitalists came to investigate the security which the Board could offer, it turned out that the existence of the Board was not guaranteed for more than three years, and consequently they could not give the required and necessary security. It was obvious, however, that an Act of the Legislature, transferring to some permanent department of the State the liability of the Board of Health, would meet that objection. He therefore would not dwell further upon that difficulty as it was one purely of form.

The second cause of the failure of the Act was, however, one of substance; it was this : as the money required was to be raised by loan, when the Insurance Companies came to investigate the security, it turned out that the fees upon which the security was to be given, did not, under the provisions of the Act, in any proportion which could be ascertained or depended upon, necessarily go to the Board of Health. No provision was made by the Act to prevent the establishment by other parties besides the Board of Health of extramural cemeteries after the burial-grounds in the metropolis had been closed. The burial-grounds to be provided by the Board of Health would be subject to very considerable charges for compensation; but joint-stock companies might have erected new cemeteries outside the metropolitan districts which would be exempt from these great and heavy charges. If such cemeteries were established, as they probably would be, their existence would be fatal to the whole of the calculations upon which the estimates of the Board of Health were founded. The Board, in a memorial which they had presented to the late Government, had expressed, in a very terse sentence, their view of their case. They said that this objection went to the root of all the calculations upon which their estimates were based, and could not be removed except by freeing the Board from the possibility of competition. In other words, unless the Government and the Legislature were prepared to give a strict and close monopoly of the burial of all the people who died in the metropolis to the Board of Health, the Act must remain, as it had been, a dead letter. The Board proposed to the late Government two alternatives for the removal of this cause of failure. They proposed, in the first place, that it should be made compulsory upon all persons to bury their dead in cemeteries belonging to the Board of Health. The late Government declined to concede so vast and important a privilege to the department as that which they asked for. The Board in the next place suggested, that if the Government objected to give them that great monopoly, they might give them the power of levying upon all bodies buried in cemeteries other than those belonging to the Board of Health a fine equivalent to the fee which they would have received if the bodies had been buried within their cemeteries. The late Government declined to agree to this proposal also, regarding it as equally objectionable in point of principle with that which they had previously objected to. This was the state of the case when the present Government came into power. His (Lord J. Manners's) attention was of course immediately directed to a subject so important and intricate, and it seemed to him, as it did to his Colleagues, that it was their bounden duty to endeavour to cut the Gordian knot which had hampered and fettered the carrying out of an Act of Parliament which, though passed with the best intentions, had proved to be impracticable in its operation. They thought, in common with the late Government, that the proper remedy for the acknowledged evils would not be found in carrying out to such a great extent the principle of monopoly and centralisation as that by which alone, as it appeared, the Act of 1850 could be rendered effective; but in reverting to the more constitutional, simple, and less objectionable method, by which from time immemorial the parochial authorities had been intrusted with the burial of the dead—subject, indeed, to certain restrictions on the part of the State, for the removal of evils which everybody admitted had from time to time been discovered in parochial management of these matters in various parts of the metropolis. The Bill which he had had the honour to introduce, might be divided into four heads. In the first place, it proposed to repeal altogether the Act of 1850. In the second place, it proposed to give power to the Secretary of State to close any burial-grounds in the metropolitan districts which had been proved to be obnoxious to public decency or public health. In the third place, it proposed to give power to the parochial authorities to replace the closed burial-grounds by others for the use of their parishes. And, in the fourth place, it proposed to authorise the Government to offer the temporary use of a cemetery of which they found themselves in possession to those parishes which might be suddenly deprived of their existing burial-grounds, and which, unless some temporary accommodation were provided for them, might find themselves without any accommodation for the burial of their dead. The Bill had been for some weeks in the hands of Members and the public, and, although it had not been discussed within those walls, it had been freely circulated and commented upon outside them; and at this period of the Session the House would probably excuse him if he forbore to enter into any further details of the measure. He wished, however, to meet one objection which he had seen taken, and very fairly taken, to one essential part of the constitution of the parochial boards which he proposed to create. It had been said, and said with truth, that in the City of London it would not be unreasonable to expect that fifty or sixty parishes might agree to combine to provide one burial-ground for their joint purposes; but as, by the Bill as it stood, it was provided that not less than three persons, being ratepayers, should form the burial board of each parish, it was obvious that a mortuary Parliament, composed of from 150 to 160 persons, would be highly inconvenient and absurd. He intended, therefore, to propose in Committee to substitute for the burial boards of the City of London the machinery which was set on foot in 1848 for cognate purposes—he meant the Commission of Sewers acting under the Corporation of London, which might be regarded as the representative body of all the parishes in the city. By this means they would remove the objection to which he had adverted, and at the same time conserve the essential principle of local responsibility. The House would have seen that on one important point the Bill escaped a difficulty which might have proved fatal to many other schemes—he alluded to the principle of compensation. As the Bill did not propose to close any burial-grounds, except those which were proved to be a public nuisance, and inimical to public health or public decency, he thought the House would agree with him that they were not called upon to grant compensation for burial-grounds so situated. But it had been represented to him that by the Bill as it stood the Secretary of State might exercise the discretion vested in him to close burial-grounds which in his view might be nuisances, although they might not at common law be nuisances. All he could say on this point was, that looking at those who had filled, and who were likely to fill, the office of Secretary of State, he did not think there was much ground for apprehension that that functionary would exercise the discretion vested in him in any way that would inflict injustice on the proprietors of burial-grounds; but if hon. Gentlemen were of opinion that any danger existed on that score, he should be quite ready in Committee either himself to propose a clause to meet that particular case, or to assent to one which might be submitted by any other Member of the House. He did not wish further to anticipate any objections which might be raised to the various provisions of the Bill. Of course, he knew that they could not all be satisfactory, and that there must be amendments proposed and acceded to with regard to several of them; but what he asked the House to do at present was to assent to the principle upon which the Bill was based; and with that view he committed it to the deliberate and dispassionate consideration of the House, firmly believing that while it might not meet the views of those excellent, but he believed mistaken, men who would subject all the funeral arrangements of this great community to a department of the State, it would afford a practical remedy to a great and pressing evil, with as little alteration as possible of the present constitution, and with as little violence as possible to the feelings, habits, customs, and rights of the different classes in the metropolis, while, at the same time, it subserved public decency and public health. He, therefore, begged leave to move that the Bill be now read a Second Time.

Motion made, and Question proposed, "That the Bill be now read the Second Time."

VISCOUNT EBRINGTON said, if he believed the remedy proposed by his noble Friend was a practical one, calculated to meet the acknowledged evils of the present state of things, he should be sorry to oppose it; but it was exactly because he believed it to be illusory, and that it would raise public expectation even higher than the measure of the late Government, that he protested against it. He was not for centralisation, but for consolidation. He thought that the metropolis had been groaning too long under a system of fragmentary and practically irresponsible management in regard to its affairs—those of its affairs which in other towns were under municipal control; and he hoped to see the day when some well-considered system of municipal government, with a due proportion of the representative element, would be given to the metropolis; and to that he looked for a satisfactory settlement and solution of *quasi* municipal questions like those which they had been debating that evening. This was not the time to enlarge further upon the great question of municipal institutions—a population of two millions and a half dwelling close round the seat of Government— but he would only remark that it involved most difficult and complicated arrangements, and very important political consequences to the Empire at large, as well as to the metropolis and its inhabitants. He objected to the bringing in of such a measure as the present one at the fag end of the Session, and on the eve of a dissolution, remembering that the kindred measure of the late Government created a great deal of discussion in a very full House, and that its principles were affirmed by almost a larger majority than any which the late Government had on any subject. The noble Lord had referred to what he called the failure of the scheme of last Session; but it could not properly be called a failure, for the whole scheme in its completeness had not been tried—indeed it had not been wholly embodied in the Act of last Session. Instead of introducing the present, it would be far preferable to pass a temporary, measure, which would meet the exigencies of the case (which this Bill did not), and leave it to the new Parliament to come, with full time for due deliberation, to the consideration of a permanent and complete measure. It could not be said that there was any overwhelming pressure to proceed with this measure, for under the Act of last year a burial-ground had been purchased in the neighbourhood of the metropolis, and was now in the hands of the Government; and of the existing burial-grounds some 150 acres or more were at this moment unoccupied. Under these circumstances he thought the Government ought not in haste to have proceeded to deal with so important a subject at this period of the Session. He warned his noble Friend that the metropolitan parishes were not likely to combine in the way he supposed for carrying out arrangements so complicated; or, if they did, he warned him of the consequences of suddenly calling into existence, without any precautions or checks, an organised representative assembly elected by the best population of the metropolis, holding its sittings close to those of the Imperial Parliament — a sort of Marylebone vestry magnified, with ten times the authority and influence—that would be very unlikely to confine its attention to the matters which alone it was intended to administer. He objected also to the reopening of the religious questions which were sure to arise, and had arisen, with regard to the expenditure to be bestowed by parishes upon mortuary chapels in burial-places open alike to the reception of the dead belonging to Dissenters and members of the Church of England. He considered the present Bill to be an unnecessary measure, and even worse than unnecessary, because hon. Members greatly deceived themselves if they supposed that its complicated arrangements could be easily carried into effect. He thought that this most important subject of intramural interment ought to be left to a new Parliament, which could frame at its leisure proper and well-considered provisions for the permanent settlement of the question.

MR. T. DUNCOMBE said, he must beg of the House to allow him to set himself right with respect to a statement which he had made when this Bill was last before the House relative to a young man who had died of malignant smallpox having been burried in St. Clement Danes churchyard, and in three weeks having been disinterred. He had received a letter from the authorities of the parish, in which they stated that they had been greatly startled and chagrined at the statement reported in the *Times*, and said to have been made by him with reference to their churchyard. In consequence of that letter, and apprehensive lest, from the circumstance of his being acquainted with much more disgusting and appalling facts in connexion with that churchyard, he might have given too ready credence to what had been represented to him, he immediately made inquiries; and he found that what had really occurred was this—the young man had died of malignant smallpox; but not three weeks after, as had stated, but three days after, the uncle, passing by, found the grave of his nephew open, and the sexton at work. He read the inscription on the coffin, and men were at work in the grave. These churchwardens were "startled and chagrined." Now, he had been referred to two individuals who lived close to this graveyard, and he begged to call the attention of the House to their statements. Here was the statement of one of them:—

"I, Thomas Woollidge, of 26, Brydges-street, Covent-garden, in the county of Middlesex, declare that in the year 1846 I lived at Mr. Pullen's, a baker in the Strand, opposite St. Clement Danes Church, and there witnessed the following scenes. I also declare that usually the graves were dug on the Saturday morning, and that, after being finished, they were covered over with a tarpaulin, and left till Sunday morning. During the process of digging I have seen limbs of human beings brought out and thrown carelessly about, and that over the graves were erected a triangle, with a pail suspended, and with this they also brought out decomposed matter, which they removed to a stone building at the east end of the church. And I further declare that, during the whole time I lived at Mr. Pullen's (nearly two years), myself and family frequently suffered from ill health, which was the chief cause of my leaving; and, lastly, I declare this declaration to be true."

The other person said—

"I, John W. Young, son-in-law of Thomas Woollidge, of 26, Brydges-street, Covent-garden, aforesaid, declare that I frequently watched (during the time we lived at Mr. Pullen's, the baker's, opposite St. Clement Danes Church, in the year 1846) the prooceedings of the two gravediggers belonging to the said church, and I do declare that I have observed them traverse the churchyard with an iron rod, about 10 feet, and, after boring for about half an hour, dig a grave, beginning on Saturday, and, after having completed it, bringing up pails of decomposed matter. During the time they threw a tarpaulin over it, leaving it in this state till Sunday, when a fresh body was interred; and I do declare that I have seen these men on other times open the same grave for other bodies until they had entirely filled it up; and I further and lastly declare, that I have witnessed the men, after finishing digging, scrape the matter off their tools and their trousers;—and in truth of this my declaration, I hereunder sign my name. Dated this 7th day of June, 1852.

"John W. Young."

In addition to this, one of the gravediggers of St. Clement's had been examined before the Committee of 1842, and this was what he stated:—

"John Eyles, a gravedigger of St. Clement Danes, examined.—Question 1187. Is your father interred there?—Yes, he is. I did not want him to be buried there. 1188. Did anything occur to his remains?—I saw them chopping the head of his coffin away. I should not have known it if I had not seen the head with the teeth. One tooth was knocked out, and the other was splintered. I knew it was my father's head, and I told them to stop, and they laughed; but I would not let them go any further, and they had to cover it over."

With regard to the present Bill, he, as a metropolitan Member, begged to thank the present Government for having introduced it. It was by far the best measure that had been introduced on the subject, and he thought they were entitled to the thanks of the public for repealing the Act of 1850. They were also entitled to credit for not giving compensation to the proprietors of those churchyards in which these nuisances are perpetrated. He would suggest that the invidious task of closing the graveyards should not be imposed upon the Secretary of State, but that Parliament should make it compulsory for all graveyards to be closed by a date fixed; the parishes would then find plenty of places to bury their dead in. He hoped the Government were in earnest upon this occasion, and that this Bill would pass with such amendments as would make it acceptable to the people, and conducive to their general health and happiness.

Lord SEYMOUR said, he agreed with the hon. Member for Finsbury, that it was desirable as speedily as possible to put an end to the burials within the metropolis. The only reason why the Bill of 1850 was passed through the House was, that it was founded upon the Report of the Board of Health. That Bill failed because the Board of Health could not raise the money necessary to buy cemeteries. They could not raise the money, because the Board of Health itself was to expire in five years after 1848; and the Board, therefore, having only a temporary life, was not able to borrow the money. But there was another difficulty. In order to borrow the money, it was considered not only necessary to have the control of all the burials within the metropolis, but to have a monopoly over all the burials in the country. Another power sought for was still more objectionable. It was proposed that persons dying within the metropolis should be paid for whether they were buried in the metropolis or not, and should be made to bear a fair proportion of the expenses of the measure; so that a person coming up from the south or north of England, and dying in London, would have to be paid for. He (Lord Seymour) thought this could not be carried out, and he did not propose it to the House. Last December it was decided that another measure should be submitted to Parliament, and he (Lord Seymour) took measures preparing an Act which would have the effect of repealing all the Interment Acts, and other Acts relative to burials, and giving a discretionary power to the Secretary of State, or some other officer of the Government. To that extent he entirely agreed with the present Bill; he also approved of the provisions which would enable parishes to make their own burial grounds, if the details could be carried out.

Sir BENJAMIN HALL begged leave, as one of the metropolitan Members, to thank the Government for having introduced this Bill. Nothing had given greater pleasure to the metropolis than to hear that this matter had been taken out of the hands of the Board of Health, and if it should be proposed to reconstitute that Board, he would do all in his power to resist it. If the noble Lord (Lord J. Manners) intended to propose any Amendments, he trusted that he would have them printed, in order that the House might have an opportunity of seeing them before they went into Committee.

Question put, and *agreed to.*

Bill read 2°.

METROPOLITAN SEWERS BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR BENJAMIN HALL said, he wished to call the attention of the noble Lord the Chief Commissioner of Works to the expenses of the Metropolitan Commission of Sewers, which at a recent period had amounted to 25 per cent on the work done, besides the expenses of supervision and payment of damages. Last year complaints had been made on this subject, and this year there had been an alteration with regard to the manner in which the accounts were sent in to the House of Commons. Great hopes had been entertained, from the change which had taken place in the constitution of the Commission, that there would have been some diminution in the expenses of management; but instead of that there had been an increase. Last year he found that works were executed to the amount of 86,000*l.*, and that the cost of management and surveys was upwards of 32,000*l.*, or 40 per cent upon the works done. In 1850 the debt was 25,920*l.* In 1851 it had increased to 36,832*l.*, although the receipts had in the same period increased from 91,00*l.* to 129,000*l.* The debt of the Board was consequently increased this year, as compared with last year, by 10,912*l.* He (Sir B. Hall) thought that they should have some account as to the manner in which the Commission was conducted, for it was impossible that the ratepayers should be satisfied when they were totally deprived of any share in the management; and he hoped that the noble Lord would see whether some diminution of the extravagant expense might not be made. He had given notice that he would put the following questions to the noble Lord, namely, as to what was the amount of debt due by the Commission at present; what had been the increase of debt since the passing of the Act of last year; and how much money had been levied by the Commission since last year? He understood that the Victoria sewer was in a dangerous state, and he desired to know what it had cost. As regarded the Bill itself, the first clause, which provided that there should be an alteration in the mode of rating, and that land should be rated to district sewers on one-fourth of its annual value only, ought not, he thought, to pass in the present year.

LORD JOHN MANNERS said, in answer to the first question of the hon. Member, he would state, that the amount of debt and liabilities due from the Commissioners at the present time was 159,848*l.*, to which must be added 3,900*l.* in respect of contracts in progress, making the total liabilities 163,748*l.* As to the second question, the increase of the debt and liabilities since the passing of the Act of last year was 19,848*l.* There had been levied by rates since the last Act 67,889*l.* 1*s.* 6*d.*, of which 34,800*l.*, or thereabouts, had been expended in reducing former liabilities. For new works about 11,750*l.* had been expended; the cost of management during the period was 11,870*l.*, and of supervision, 5,000*l.*, making together, 16,870*l.* As to the state of the Victoria sewer, it was partly satisfactory and partly unsatisfactory, the reason for which was, that it was placed in soil not particularly well suited for it. The total cost of that sewer was 25,381*l.* 15*s.* 2*d.*, which did not include the sum payable for reconstruction of buildings, occupation of premises, and compensation, but did include 5,000*l.*, the estimated amount of certain extra work not yet finally ascertained. With respect to the clause alluded to by the hon. Member, the intention of which was to give partial relief to the land in the neighbourhood of the metropolis, it was one of the clearest cases of justice which was ever submitted to the House.

LORD ROBERT GROSVENOR said, he thought the exemptions contemplated in the Bill were unjust, and hoped the noble Lord would act upon the suggestion of the hon. Baronet the Member for Marylebone (Sir B. Hall, and not press the clause.

MR. MILES thought that to place acres of land under the same rating as houses, would be an injustice which would not be submitted to for a moment by the Committee.

SIR BENJAMIN HALL said, he considered that it was not fair, as the Bill was only to be continued for one year, that this question should be brought forward now. The estimated cost of the Victoria sewer was 12,000*l.*, but the actual cost was 25,000*l.*, being more than 100 per cent over the estimate. Could it be wondered at that the public complained of the manner in which the Commission exercised its powers? The sum expended on the new works, in the course of the last year, was only 11,750*l.*, whilst the cost of management was between 16,000*l.* and 17,000*l.*

VISCOUNT EBRINGTON said, that last year, no fewer than 12,000 persons died in consequence, he firmly believed, of diseases arising from the want of proper drainage, and he understood that it might be reckoned that for every death twenty-eight persons recovered, so that it might be presumed that 300,000 were in one year affected, in London, by illness the result of want of proper drainage. As for the Victoria sewer, in consequence of the contractors being obliged to encounter difficulties which would not have occurred if the original design had been carried out, increased expenditure was the inevitable result.

MR. STEPHENSON said, the whole of the evils complained of in the construction and increased expense of the Victoria sewer was in consequence of the course pursued by the office of Woods and Forests. He went to the Chief Commissioner and endeavoured to induce him to permit the sewer to be discharged into the Thames within the limits of Crown property; but that request was peremptorily refused. He (Mr. Stephenson) saw no reason why Crown property should be exempted, or, at least, why it should stand in the way of the best system of drainage for the metropolis. He, however, received a peremptory command that the sewer should not be discharged within the limits of the Crown property. This refusal made a large difference in the expenditure, and, worse than that, the foundations having been bad in the new line, a great portion of the sewer was now in a very dangerous state. Whether the responsibility of this rested on the late Chief Commissioner (Lord Seymour) or not, he would not undertake to say.

LORD SEYMOUR said, he must admit that the Woods and Forests had objected to the discharge of the sewer through Crown property; but the reason for that was, that if they had done otherwise, the effect would be greatly to deteriorate that property.

SIR BENJAMIN HALL said, he strongly objected to the power which the Bill conferred, of raising the rate from 3*d.* to 6*d.* in the pound.

LORD JOHN MANNERS said, there were existing liabilities to the amount of 38,000*l.*, and that the enlarged rate was necessary, in order to wipe off the arrears and carry on the necessary business.

SIR BENJAMIN HALL said, he would not now offer any objection to the progress of the Bill; but he hoped the noble Lord would turn his attention to the working of the Commission. It was impossible that the public could suffer the Board to go on in this way.

LORD JOHN MANNERS said, the attention of the Government had been, and would continue to be, directed to the subject.

Clause *agreed to;*—as were the other clauses of the Bill.

House resumed. Bill *reported.*

NEW ZEALAND GOVERNMENT BILL.

Order for Third Reading read.

SIR JOHN PAKINGTON moved that this Bill be read a Third Time.

Motion made, and Question put, "That the Bill be now read a Third Time."

Question put, and *agreed to:* Bill read 3°.

SIR WILLIAM MOLESWORTH said, he should propose that all the clauses in the Bill with reference to the sale and management of waste lands in New Zealand be struck out. It was impossible for the House to determine the just claims of the New Zealand Company on the wild lands of that Colony without a previous inquiry into the conduct and affairs of that Company. He demanded an inquiry for three reasons: first, because he repeated the charge which he brought against this Company in Committee, namely, that in obtaining the Act of 1847 they concealed from the Government and Parliament the true state of their affairs; and, at the same time, by concealing the truth, and insinuating that which was incorrect, they induced their settlers at Nelson to agree to arrangements beneficial to the Company, to which the settlers would not have consented if they had not relied upon the good faith of the Company. How could the House determine what were the just claims of the Company on the lands of New Zealand before the conduct and the affairs of the Company were investigated? The second reason which he assigned for an inquiry into the conduct of the Company was founded upon a statement made by the Canterbury Association to the Colonial Office, in a letter dated the 11th of this month. In that letter the Association asserted that in the years 1846 and 1847 a sum of 236,000*l.* was lent to the Company for the purposes of alleged public utility; that the Company ought to have in their hands at this time 36,634*l.* of that public money, but that this sum had been, in fact, applied for the private purposes of the Company, and of individual shareholders, and not for the purposes contemplated by the Act of 1846 and 1847. A committee of the Canterbury Association had reported to the Association that of this sum 8,277*l.* were paid to the directors for arrears of fees from 1842 to 1848; and that a further sum of 9,463*l.* had been lent, on promisory notes, to shareholders, some of whom were directors of the Company. If these facts were true, and he understood they were taken from the Company's own reports, he thought it must be admitted that this money had been misapplied; for Parliament could never have intended to vote these directors a present of some 8,000*l.* of public money, and to lend them 9,000*l.* In the papers presented to Parliament there was no mention of any such claims on the part of the directors, or of any intention on the part of the Government to sanction such claims, and he could not believe that Parliament would ever have consented to satisfy such claims with public money. Whether the directors were or were not entitled to the payment of the arrears of their fees, he could not pretend to say; but if they were so entitled, they ought to have been paid by calls on the shareholders of the Company, for the Company had a subscribed but unpaid-up capital of 100,000*l.* Surely this was a matter which ought to be inquired into before Parliament determined finally the charge which the New Zealand Company had on the lands of that Colony. The third reason for inquiry was based upon certain facts contained in the Parliamentary papers which he held in his hand. Those papers showed that last year the Law Officers of the Crown gave an opinion that, under the Act of 1847, the Government were bound by a certain contract which was concluded in 1847 between the New Zealand Company and the purchasers of allotments at Nelson. The object of that contract was to settle certain claims which the purchasers of allotments had on the Company. Those claims ought to have been made known to the Government and Parliament before the passing of the Act of 1847, because by that Act those claims would become good against the Government in the event of the Company being broken up. Those claims were not made known to the Government or to Parliament, and the Act of 1847 was obtained in ignorance of liabilities which the Government was now called upon to satisfy. But in the blue book presented to the House in June, 1847, no reference whatsoever was made to any claims of the Nelson settlers on the Company, except with reference to the trust fund, which was quite a distinct claim from those to which he was now referring. In the same papers Earl Grey and Sir James Stephen both asserted that, in the event of the Company being broken up, the only liabilities to the Nelson settlers which would devolve upon the Government would have reference to the trust fund or to the small balance, if any, of some disputed account. He was therefore entitled to assert that the Act of 1847 was obtained from Parliament in ignorance of the liabilities which the Government were now called upon to satisfy. The existence of those liabilities was proved by papers presented to this House on the 14th of May last. With regard to those liabilities, he must remind the House that in 1841 the Company issued a prospectus for the formation of a settlement, to be called "Nelson," and they sold a number of allotments of land, which allotments were to fulfil certain conditions, and for which they received about 160,000*l.* The site of Nelson was so ill chosen that it was physically impossible for the Company to fulfil the conditions upon which they had sold the allotments. The purchasers complained of a breach of contract, and demanded compensation. Now, it was stated in the papers which he held in his hand that in a letter dated the 12th of March, 1847, the Company conveyed to the late Colonel Wakefield, who was then their agent in New Zealand, "plenary authority" to assent to such arrangements with the Nelson settlers for the satisfaction of their claims on the Company as he deemed most advisable. About the autumn of 1847 Colonel Wakefield assented to certain resolutions proposed by the Nelson settlers for the adjustment of their claims on the Company, provided certain modifications were introduced into them. Now, with regard to that assent two legal questions had been raised: first, whether the assent of Colonel Wakefield made those resolutions binding on the Company; and, secondly, if binding on the Company, whether they were now binding on the Government, in consequence of the Act of 1847 and the surrender of the Company's Charter? These two questions were submitted last year to the consideration of the Law Officers of the Crown. The opinion of the Law Officers had not been printed; but the substance of that opinion was to be found in two letters, one from the Colonial Land Commissioners to Mr. Herman Merivale, dated December 10, 1851, and the other dated January 10, 1852, from Mr. F. Peel to the chairman of the Halifax Committee of Nelson Land Purchases. Those letters stated that the Law Officers of the Crown were of opinion that the resolutions of 1847 were now binding on the Government, and that the purchasers of allotments at Nelson were entitled to compensation from the Government within the meaning of those resolutions. Now, the Colonial Land Commissioners stated, that according to those resolutions—

> "Any purchaser (of allotments at Nelson) who should decline to avail himself of the adjustment (referred to in those resolutions), or who, having availed himself of it, should be dissatisfied, might refer his claim to arbitration either in England or in the settlement; in the former contingency, without reference to the adjustment, and in the latter to determine what additional compensation, if any, he should receive."

It was therefore the opinion of the Law Officers of the Crown that the Government was now bound—first, to satisfy the claims of the purchasers of allotments at Nelson who had declined to avail themselves of that adjustment; secondly, to give additional compensation to those purchasers of allotments at Nelson who were dissatisfied with that adjustment—the amount of those claims, or of the additional compensation, to be determined by arbitration either in England or in the settlement, at the option of the claimants. The Government would now be entitled to satisfy these claims, and to make additional compensation by grants of land; but, if this Bill passed, in order to make grants of land to those claimants, the Government would have to repurchase from the General Assembly of New Zealand the land to be granted. Therefore, both for the sake of the public purse of this country, out of which the Company had already received 250,000*l.*, and which would have to satisfy all the claims which he had just mentioned, and likewise for the sake of the inhabitants of New Zealand, who would be crushed by the debt to the Company, he entreated the House not to consent to the insertion of the land clauses in the Bill till the papers which he had moved for could be produced, and an inquiry instituted into the conduct and affairs of the Company. It was said that the transfer of the management of the waste lands from the Colonial Office to the General Assembly of New Zealand was a most valuable concession to the Colony. He admitted it was so. It was said that that concession might be endangered, if it were not made at the present moment. He denied that. For the principle was admitted on all sides that the Colony should have the management of its waste lands, and that principle would be assented to, and must be carried out, by the next Parliament. The question, therefore, was, whether this concession should be made at the present moment, clogged with an onerous and unjust condition in favour of the New Zealand Company; or, whether it should be delayed for six months, in order to inquire what were the just claims of the New Zealand Company.

Amendment proposed, to leave out from the word "notwithstanding," in page 20, line 9, to the words "in respect," in page 21, line 7.

Sir JOHN PAKINGTON said, he should not now go into the arguments used by the hon. Baronet, because they were precisely the same which he brought forward when the Bill was in Committee, and to which he (Sir J. Pakington) then replied at considerable length. He could not see any reason for again raising the question of the sale of the waste lands; and he thought the House would feel it impossible for them now to undertake to reverse the deliberate judgment which Earl Grey had years ago pronounced upon the question, and upon the conduct of the New Zealand Company, after a most careful and minute investigation. Earl Grey then declared that in his opinion there had not been any concealment on the part of the Company which should invalidate the bargain then made. Whether that bargain was good or bad, it was deliberately made and ratified by the Government of the day. On account of the purchase then made, a certain sum was now due from the Crown to the Company, and all he asked the House was to take care that the latter body were not sufferers by the change which was to be effected by this Bill, but that they should hereafter receive from the Central Legislature of the Colony the same terms as they would from the Government of this country. He attached very great importance to the concession of the waste lands to the Colonial Legislature, which was made for the first time by this Bill; and he must appeal to the House not to reverse the decision of the Government upon this point, nor, in the present critical position of the Colonies, to deprive them of the hope they now entertained of having this important concession made to them. He was surprised that the hon. Baronet the Member for Southwark (Sir W. Molesworth), after admitting the importance of this provision, should seek to postpone it, for the sake of reopening these bygone differences. He could scarcely believe the hon. Baronet was serious in his proposal.

Mr. GLADSTONE said, that notwithstanding the incredulity of the right hon. Gentleman the Secretary of State for the Colonies as to the possibility of the hon. Baronet the Member for Southwark being sincere in his Motion, he (Mr. Gladstone) should cordially support that Motion; and with the same frank admission which had been made by his hon. Friend (Sir W. Molesworth) with respect to the value of the concession of the management of these lands to the Colonial Legislature; although he apprehended the right hon. Gentleman the Secretary of State was quite in error in saying that this was the first time that such a concession had been made. When, however, the right hon. Secretary for the Colonies said that the postponement of this concession was so great an evil, and when he appeared to consider that the concession itself was endangered by the proposed delay, he (Mr. Gladstone) differed with him entirely, for he felt satisfied that when once the main question, with respect to a Colony like New Zealand—that of the grant of popular institutions—was settled, the land question would soon settle itself. It was not in the power of that House to withhold the management of the lands in a Colony for any very long time after it had fully conceded the principle of popular representation; and he had, therefore, no fear of the effect of postponing this concession, which was perfectly certain to be made. The petition which had been presented to the House that day proved that when once a popular Legislature was established in a great Colony, they would not forget the question of the lands. It was also a proof that it was much better and much less disadvantageous to postpone a measure relating to a Colony, than to pass a bad one. In 1850 the hon. Baronet the Member for Southwark, and other Gentlemen, combined to recommend to the Government Amendments which, had they been adopted, would have insured the thankful acceptance of that measure in New South Wales. The Government, however, refused to adopt them; and when their supporters moved that the Bill should be postponed, they were told not to risk by postponement such a great concession as was involved by the measure of that year. Instead of waiting to pass a good Bill, the House then made haste to pass a bad one; and, instead of gratitude, it had been received with remonstrances, with protest, and with an indignant claim of rights, as if it had inflicted a positive injury. Let not the House now fall into a similar error, and mar a great boon by attaching to it offensive conditions. He thought that the right hon. Baronet the Colonial Secretary had not given due weight to the two great reasons urged by the hon. Member for Southwark in favour of the course which he had suggested. He (Mr. Gladstone) concurred with his hon. Friend in thinking that the terms given to the New Zealand Company were far better than they were entitled to claim under the Act of 1847. As, however, the opinion of the House seemed to be against him on that point, he should not press it. The second ground was, however, perfectly distinct from this. His hon. Friend (Sir W. Molesworth) had alleged that the New Zealand Company had, by the suppression of material facts, obtained from Government aid and assistance, which they would not have done had the facts been known. Now, that allegation was unexamined into—not by his fault, or the fault of any one, but from the necessity of the case. The hon. Members of that House who were connected with the Company did not press the Bill, but were on the contrary anxious for an examination into the truth of these allegations. And it did seem to him a most serious matter for that House wilfully to shut its eyes to a case which was half opened; and, refusing to avail themselves of the opportunity which they would shortly enjoy of going thoroughly into the facts of the case, to say, "We will proceed to deal finally and once for all with this question, though we know there is important information bearing upon it, not now on the table, but ready to be produced at the next meeting of Parliament." He could not consent to be a party to such a course, which appeared to be utterly irreconcilable with sound principles. His hon. Friend's (Sir W. Molesworth's) allegations were not void of credibility, when attested by the frank statement of the hon. Member for Cockermouth (Mr. Aglionby). [Mr. AGLIONBY: I denied the whole gist of them.] He begged pardon, but the hon. Gentleman does not deny, but admits and justifies what my hon. Friend thinks his main allegation. [Mr. AGLIONBY: Indeed I do not.] He would ask if the hon. Member for Cockermouth denied that the opinion of the counsel of the Company was kept back, while that of the gentleman who was consulted in the second place was stated as if it had been the only legal opinion taken? The hon. Member had not only admitted this, but he had defended and justified it. The right hon. Secretary of State said that this had been approved of by the late Secretary of State (Earl Grey), and that, therefore, the question was closed so far as the House of Commons was concerned. But he (Mr. Gladstone) must demur altogether to that view of the position of a Minister. He apprehended it was the business of that House to review, and, if they thought them erroneous, to correct the decisions of Ministers upon important points; nor could they evade the responsibility by alleging that the Minister had passed his judgment upon them. And after the statement of the hon. Baronet the Member for Southwark, he thought that it was their bounden duty to go into this case. He regarded the arrangement of 1847 much more as a boon to the New Zealand Company than as a bargain and an exchange of equivalents. A very great boon had then been conferred upon the New Zealand Company, and certainly there had been nothing at all in the nature of an equivalent rendered to the British public, who under that Act were bound to pay a very large sum of money. The whole question was one they were bound to consider, and they would be foregoing their duty if they declined to examine it. His hon. Friend (Sir W. Molesworth) then proposed very properly to hand over the matter for consideration to another Session of Parliament, when, instead of being dependent, as they were at present, on mere presumptions, they might have the means of thoroughly comprehending the question on which they were to vote; and though he granted that every postponement was a disadvantage, yet, he said, postponement was infinitely less a disadvantage than dealing slightly and hastily with a question of such importance—dealing with it, too, when they were totally devoid of such information as for the purpose they required. He should, therefore, support the proposition of the hon. Baronet the Member for Southwark.

MR. AGLIONBY said, that charges had been made by the hon. Baronet the Member for Southwark (Sir W. Molesworth) and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) with regard to a number of gentlemen who were in as high station and of as high honour as either of those two hon. Gentlemen themselves, and who were prepared in the face of the world, as in the face of the House of Commons, to stand the ordeal of an examination into their conduct; and he (Mr. Aglionby) felt certain they would come out of it untouched and unscathed. But he would not go into those questions now; it would be unworthy of the House to do so after they had been considered settled by the judgment of the Colonial Minister, who had acted at least with honour and good intention. He (Mr. Aglionby) had abandoned all his objections to the Bill, and he had done so because he believed that was for the good of the Colony that the measure should pass. He left the Government to deal with the subject as they pleased, but let not the House suppose that the other questions would remain unanswered.

MR. GLADSTONE said, he begged to explain. He had made no charge against the New Zealand Company. He had simply repeated what had passed from the lips of the hon. Gentleman himself.

MR. AGLIONBY: That was an entire misconception; the right hon. Gentleman had not understood what he (Mr. Aglionby) had stated.

MR. J. A. SMITH said, the repetition by the hon. Baronet (Sir W. Molesworth) of the charges against the New Zealand Company had not only excited a strong feeling of indignation on his part, but also a strong feeling of surprise. For subsequently to the last time the hon. Baronet brought forward those charges, he (Mr. J. A. Smith) took the opportunity of speaking to the hon. Baronet in that House, and told him what pain and surprise he had felt, that when the hon. Baronet had charges to make against the character and conduct of men whom he had known for many years, and with whom he had acted, both as a director of the New Zealand Company and as a Member of Parliament, he had not thought fit to submit to them the charges which he was about to bring, and ask for information as to the falsehood or correctness of such charges. He told the hon. Baronet he regretted the course he had taken; and he then offered to show him the falsehood of the charges, and that they had been trumped up against the Company—trumped up, too, for unworthy purposes, and that, if he chose, any document and papers belonging to the Company should be submitted to his inspection. The hon. Baronet complained on the last occasion, and had repeated his complaint that evening, that the papers were not on the table. He had told the hon. Baronet that every paper should be submitted to him, every fact laid before him, and he (Mr. J. A. Smith) pledged his honour as a gentleman that not one single letter or fact should be withheld. But what was the hon. Baronet's answer? That he was engaged in a contested election for Southwark, and had not time to go into them. His reply to the hon. Baronet was very short: he said, if the hon. Baronet had not time to inquire, he had no right to bring forward the charge, and when, after that refusal to inquire, he repeated those charges, he must say he wished the hon. Baronet success in his election; but he wished it in the true sense of justice and fairness, and that he would have more discretion than he had hitherto shown in bringing charges against Gentlemen who were as incapable of the conduct imputed to them as he was sure the hon. Baronet himself would be.

SIR WILLIAM MOLESWORTH: I really must ask the House to allow me to explain. The hon. Member for Chichester asked me to have a private conversation with him, to which I consented, and then the hon. Member inquired whether I would go to the New Zealand House and see the papers there. My answer was, that I infinitely preferred to have the official documents furnished me by the Secretary of State for the Colonies, and then, if there should be any other papers which the hon. Member wished to submit to my consideration, I would inspect them, but that, under present circumstances, I refused to go to the New Zealand House with him. The hon. Gentleman replied, that I would never get those official documents, for the Government would not produce them, upon which I remarked that I was determined to have them if I could, and to base my observations on them, and upon no other documents. I now ask the right hon. Baronet the Secretary of State for the Colonies whether he does mean to produce those official documents, or whether the hon. Gentleman was right in making the statement he did.

MR. J. A. SMITH: Does the hon. Baronet deny that the ground on which he based his refusal to my offer was, that he was engaged in a contested election?

SIR WILLIAM MOLESWORTH said, he stated that among other reasons, but his desire was to have the official documents.

SIR JOHN PAKINGTON said, the hon. Baronet asked him to produce the papers in question. He replied that he had no objection to do so, and the hon. Baronet made a Motion for their production, with his consent. The hon. Baronet was hardly justified, therefore, in raising a doubt as to whether he (Sir J. Pakington) was acting in good faith. Only two or three days ago, when the hon. Baronet asked why the papers were not produced, he told the hon. Baronet that they contained 266 letters, many of them requiring revision, as they were of a personal character, and only yesterday he heard fresh papers were to be added. He again told the hon. Baronet that he need have no doubt about the production of the papers; but, on account of their number and character, time was required to prepare them.

SIR WILLIAM MOLESWORTH said, that his statement was occasioned by the remarks of the hon. Member for Chichester (Mr. J. A. Smith).

MR. MANGLES said, he was placed in a painful dilemma by the course taken by the hon. Baronet; for, while he desired on behalf of the New Zealand Company the fullest investigation, yet the hon. Baronet's Motion could only be granted at the price of denying to the colonists the great boon they would gain from the Bill as it stood.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 99; Noes 21: Majority 78.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrow, W. H.
Bell, J.
Bennet, P.
Beresford, rt. hon. W.
Bernal, R.
Blandford, Marq. of
Boyle, hon. Col.
Bramston, T. W.
Bridges, Sir B. W.
Brotherton, J.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Butt, I.

Carew, W. H. P.
Chandos, Marq. of
Child, S.
Christopher, rt. hon. R.
Clinton, Lord C. P.
Cocks, T. S.
Coles, H. B.
Craig, Sir W. G.
Disraeli, rt. hon. B.
Dodd, G.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Elliot, hon. J. E.
Evans, W.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Forbes, W.
Forester, rt. hon. Col.
French, F.
Galway, Visct.
Gilpin, Col.
Granby, Marq. of
Grogan, E.
Hamilton, G. A.
Hamilton, Lord C.
Hayes, Sir E.
Henley, rt. hon. J. W.
Hill, Lord E.
Hindley, C.
Howard, hon. E. G. G.
Howard, Sir R.
Jolliffe, Sir W. G. H.
Knox, hon. W. S.
Langton, W. G.
Lockhart, W.
Mandeville, Visct.
Mangles, R. D.
Manners, Lord J.
Miles, W.
Milligan, R.
Morgan, O.
Morris, D.
Mullings, J. R.
Naas, Lord
Napier, rt. hon. J.
Newport, Visct.
Noel, hon. G. J.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Portal, M.
Scott, hon. F.
Seaham, Visct.
Sibthorp, Col.
Smith, J. A.
Sotheron, T. H. S.
Stafford, A.
Stanley, Lord
Stephenson, R.
Stewart, Adm.
Stuart, H.
Stuart, J.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, hon. F. W. C.
Vivian, J. H.
Walpole, rt. hon. S. H.
Whiteside, J.
Yorke, hon. E. T.

TELLERS.
Mackenzie, W. F.
Lennox, Lord H.

List of the NOES.

Anstey, T. C.
Carter, S.
Christy, S.
Currie, H.
Devereux, J. T.
Egerton, W. T.
Estcourt, J. B. B.
Evans, Sir De L.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Kershaw, J.
Kinnaird, hon. A. F.
Milner, W. M. E.
Pechell, Sir G. B.
Pilkington, J.
Scully, F.
Scully, V.
Seymour, H. D.
Thompson, G.
Wyld, J.

TELLERS.
Molesworth, Sir W.
Gladstone, W. E.

On Question that the Bill do pass,

MR. AGLIONBY said, he must beg to claim that indulgence which the House usually extended to Members when personal matters had to be explained. He had not availed himself just now of the opportunity of replying to them, because he conceived he would have been permitted to make a reply before the discussion closed. Most certainly, if the second opinion which the Company had obtained had been in accordance with the first, he should have held that the Company were bound. The answer which they had sent out to the settlers at Nelson was, that the Company had every desire to meet their wishes. The opinion having been that the Company had not the power to carry out the regulations which the settlers wished, he (Mr. Aglionby) had brought in a Bill to enable them to do so; but it met with much opposition from the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and was eventually thrown out. Much as he disagreed with Earl Grey on many points connected with the New Zealand Company, he would always admit that Earl Grey was a man of high honour and statesmanlike views, with a firm determination to do what was right, and that his equal or superior was not to be found in the Kingdom. Earl Grey had stated that he had gone through all the charges against the New Zealand Company, and that he had come to the conclusion that the directors were not to blame.

SIR WILLIAM MOLESWORTH said, that his only object had been to prevent what he considered to be a fraud. Having failed in his object, he could only say that he should be ready to prove the charges he had made before any Committee of Inquiry, and he challenged contradiction of them.

Bill *passed.*

CORRUPT PRACTICES AT ELECTIONS (No. 2) BILL.

Order read for resuming the further Proceeding on Amendment proposed to Question [16th June], "That Mr. Speaker do now leave the Chair;" and which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Further Proceeding *resumed.*

Question proposed, "That the words 'this House will, upon this day three months, resolve itself into the said Committee,' be there added."

MR. CHISHOLM ANSTEY moved, as an Amendment, that the House go into Committee on the Bill To-morrow.

Amendment proposed, to leave out the words "this day three months," in order to insert the words "to-morrow," instead thereof.

Question put, "That the words proposed to be left out stand part of the Queston."

The House *divided* :—Ayes 67; Noes 24: Majority 43.

Question, "That the words 'this House will, upon this day three months, resolve itself into the said Committee,' be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

PROTESTANT DISSENTERS' BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. CHISHOLM ANSTEY said, he objected to the registering of Dissenting places of worship altogether. They were not registered in Scotland, and he did not see why they should be registered in England. He proposed to omit all the words relating to registration, and to insert, in lieu of them, the repeal of the Acts requiring such registration.

The ATTORNEY GENERAL begged to explain that the Bill had come down from the Lords, and was in charge of the right hon. Member for Cambridge University (Mr. Goulburn), for whom he was undertaking it. As the Bill came down from the Lords, it proposed that Dissenting chapels, instead of being registered in the Bishops' or Archdeacons' Court, should be registered by the Clerk of the Peace. The hon. Member for Manchester (Mr. Bright) had proposed an Amendment to the effect that the registration should be made by the Registrar General of Births, Deaths, and Marriages; and, the Government assenting, he (the Attorney General) had not only taken charge of the Bill for the right hon. Member for Cambridge University, but also the Amendment of the hon. Member for Manchester; and it was rather extraordinary to find himself now met by the opposition of the hon. and learned Member for Youghal.

The CHAIRMAN said, that the Amendment of the hon. and learned Member, being to repeal the existing Acts, was inconsistent with the Preamble, which proposed to amend the law.

MR. CHISHOLM ANSTEY said, that had that explanation been made in the first instance he would not have objected to the Bill.

Clause *agreed to;* as were the remaining Clauses.

House resumed. Bill *reported.*

COUNTY ELECTIONS POLLS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. ALDERMAN THOMPSON said, as he considered that the Bill would disfranchise a very considerable number of the electors for counties, he should move that it be read a third time that day three months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"

Question proposed, "That the word 'now' stand part of the Question."

LORD ROBERT GROSVENOR said, the Bill had been fully discussed, its principle had been affirmed by the House upon divisions, and he could not consent to postpone the third reading. He had introduced an Amendment which he thought would make the Bill more palatable to the House. It was not his fault that the Bill was brought under consideration so late in the Session, for he had introduced it at a very early period.

MR. WALPOLE said, the Government had assented to the second reading only on the understanding that Amendments would be made to meet the objection which had been urged to the Bill. As it now stood, he thought it would be very inconvenient in regard to county elections.

MR. JOHN STUART said, it might be a very good Bill for the county of Middlesex, but in other counties it would operate as a total disfranchisement.

MR. ELLIOT thought some Amendments might be introduced to meet the objections of the Government.

MR. ROBERT PALMER said, he was favourable to the principle of the measure, but thought it could not be applied with advantage at the ensuing general election, which was too near at hand to permit time for making the necessary arrangements. The Bill should either be postponed to next Parliament, or a provision inserted to make it applicable only to elections subsequent to the next general election, in terms of the Amendment which had been suggested by the hon. Member for East Somersetshire (Mr. Miles).

LORD ROBERT GROSVENOR said, he was quite willing to accept the proposed compromise, and agree to the Amendment of the hon. Member for East Somersetshire, provided the House would now agree to read the Bill a third time.

MR. PACKE said, he must complain of the great haste with which the noble Lord (Lord R. Grosvenor) attempted to press this

Bill through the House at such an advanced period of the Session. It ought to be called the Non-resident Freeholders Disfranchisement Bill, for such was its real object. It would have the effect of disfranchising one-fourth of the freeholders of this country. It ought to be opposed in every way that the forms of the House would allow.

Mr. FORBES said, he would beg to move the adjournment of the House.

Sir GEORGE PECHELL said, he must appeal to the right hon. Chancellor of the Exchequer, for the purpose of requesting hon. Gentlemen to allow the House to decide upon the main question at once.

The CHANCELLOR of the EXCHEQUER said, that as morning sittings were now so frequent, he did not think it was right to detain Mr. Speaker in the chair at that hour of the morning—almost two o'clock. If the noble Lord (Lord R. Grosvenor) had made up his mind that the Bill should not apply to the ensuing election, he might as well put it off till the next Parliament; but he thought the House ought now to come to a resolution not to sit later than two o'clock.

Lord ROBERT GROSVENOR said, he entirely disagreed with the remarks of the right hon. Gentleman the Chancellor of the Exchequer; but certainly he did not want to occupy the time of the House, nor to detain Mr. Speaker in the chair, and he was perfectly willing to divide.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 39; Noes 49: Majority 10.

Words *added:* Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

GOLD MINES—EFFECTS ON PUBLIC SECURITIES—CURRENCY.

Colonel THOMPSON moved—

"1. That it is the duty of the Government to take measures to guard against the possible effects of the increasing production of the Gold Mines, upon the holders of the Public Securities.

"2. That the contract with the holders of the Public Securities ought to be substantially maintained.

"3. That to see a process to the contrary going on, and refuse to hinder it, is Repudiation.

"4. That the contract will not be substantially maintained, if the payments to the Fundholders are allowed to dwindle to nothing through diminutions in the value of gold.

"5. That the community has no interest in defrauding the Fundholders to serve the payers of the Taxes; as would be distinctly visible if every man were a Fundholder in the same proportion that he is a Tax-payer.

"6. That the expectation that the tax-payers are to gain, either by diminution of value of the pieces in which the taxes are to be paid, or by the annihilation of the payments for the Debt, is nugatory; because there is no Chancellor of the Exchequer who would not make either of these a ground for increasing the taxation and expenditure to correspond.

"7. That the endeavour to persuade the Industrious Classes that they would be the better for having more gold under a corresponding diminution of its value, is an affront to their intelligence.

"8. That a continual diminution in the value of the current money, is opposed to the just interest of the classes who live by wages; because it would keep them in a perpetual struggle for an increase of Money Wages, in which they are sure to lose and not to gain.

"9. That for a like reason it is opposed to the just interest of the owners of rent, or so many as are free from mortgages; because it would keep them in a perpetual struggle for an increase of Money Rents, in which they are sure to lose and not to gain, to say nothing of the unpleasantness of the contest.

"10. That the allegation that the Fundholders have been overpaid in consequence of what is denominated Peel's Bill, is a misstatement dependent upon reckoning all who have been overpaid, and taking no account of all who have been underpaid; the truth being, that on taking both together, there is on the lowest estimate a balance of eight millions and a half which, on an equitable adjustment, would be due to the Fundholders.

"11. That if the discovery of new Gold Mines should go on, it will lead to a diminution in the value of the precious metals, like that which occurred in the reign of Elizabeth and periods subsequent, in consequence of the discovery of America.

"12. That it is no argument against the imminence of this result, that commercial men show no symptoms of alarm. Because, to the general operations of commerce it is indifferent whether gold is dear or cheap; for the simple reason that every man pays it away at the same rate that he receives, and *vice versâ.*

"13. That the derangement which, from such a cause, would be made in the property of the Fundholders and all old Creditors and Mortgagees, ought to be prevented by the means which, so far as applied, were effectual in the time of Elizabeth, namely, by application of the principle of a Corn Rent.

"14. That the application of that principle would be effected, and comparative steadiness in the value of Money obtained, by the issue of a Bank of England Paper, containing no promise to pay, but issuable only to such amounts as should be from time to time directed by Act of Parliament, on evidence produced that the price of wheat had, for the average of a certain period, been below shillings per quarter; any contravention of such Acts, in respect of issuing more than therein directed, to be dealt with as in cases of forgery; the amount of such authorized issues to be debited to the Exchequer, and applied to the Consolidated Fund.

"15. That the efficiency of such an inconvertible public Paper is evidenced by the experiment of 1797, when the Paper of the Bank of England, though payment was refused, maintained its value, without depreciation, except what was the necessary consequence of the premeditated over-issues.

"16. That the belief in the necessity of the community's providing and paying for twenty-one millions of Gold to be kept in cellars, is a superstition of the same nature as if a manufacturer in Manchester, or a merchant in Liverpool, should think he could not maintain his credit without a similar precaution.

"17. That in any community the collection of a treasure of this kind is impolitic and dangerous, as holding out temptation to invasions from abroad, and to *coups d'état* at home.

"18. That in a settled and civilized community, there is no more necessity for the instrument of exchange to be framed of materials equal in value to the amount concerned, than for a bond or other obligation to be traced upon a plate of gold of the value of the amount at issue.

"19. That such a Bank of England Paper as proposed, might be issued gradually, and the present notes withdrawn; thereby preventing the dangers of sudden change.

"20. That nothing herein contained, would have any tendency to check the trade in gold. The gold-finders will always obtain for their gold the substantial return which the markets admit; and no art of man will give them more.

"21. That it is expedient to attend to the Question before any public excitement is raised by current events."

At that hour of the morning, the House would not consider it disrespectful, if he simply moved the Resolutions which were on the paper. He would only take leave to add, that the grounds of the statement in the 10th Resolution on the balance which would be due to the Fundholders, were to be found in *Mushet's Tables*, corrected by the Tables of Mr. John Childs, which last were in the *Westminster Review* for April, 1833, Article on "Equitable Adjustment," with addition of a Postscript at the end of the same Number.

Question put, and *negatived.*

COUNTING THE HOUSE.

Mr. CHISHOLM ANSTEY said, he would now bring forward the Motion of which he had given notice, relative to the mode of counting the House.

Motion made, and Question put—

"That after Mr Speaker has taken the Chair, the House shall not be counted until the doors are locked and the Division Bell rung, as upon a Division, and that all Members being at the time of such count within the House, or in the Division Lobbies, upper Corridors, or Chair Lobbies thereof, shall be counted with the rest of the Members present."

The CHANCELLOR of the EXCHEQUER said, at the end of the last Session of the present Parliament, and at that hour in the morning, it was not for them to change the rules of the House.

Motion put, and *negatived.*

The House *adjourned* at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 18, 1852.

Minutes.] Public Bills.—1ª Appointment of Overseers; Hereditary Casual Revenues in the Colonies; New Zealand Government; Pharmacy.

2ª Navy Pay; Poor Law Commission Continuance (Ireland).

Reported.—Passengers Act Amendment; Trustees Act Extension.

3ª Turnpike Trusts Arrangements; Scutch Mills for Flax (Ireland).

TRANSPORTATION TO VAN DIEMEN'S LAND.

The Duke of NEWCASTLE *presented* a petition from the inhabitants of the Australian Colonies of New South Wales, Victoria, Van Diemen's Land, South Australia, and New Zealand, for the immediate discontinuance of, and for the total abandonment of the present penal policy. He had postponed the presentation of this petition from an unwillingness to press the Government unfairly, as they had only recently acceded to office; but the subject was of considerable importance, and well deserved their earliest consideration. The noble Duke then read the petition, which dilated upon the many evils arising to the colonies from the system of transportation.

The Earl of DESART said, that, while he guarded himself against casting any imputations against the petitioners, or from being understood to say that there were not many persons of character in the colony whose position entitled them to respect, he was bound also to make a short statement of the manner in which the bulk of these colonists endeavoured to evade the evil so much complained of on the arrival of convict ships in Van Diemen's Land. The transportation of convicts had very much decreased within the last few years. In order, however, to show the reception accorded to these "pests" by the colonists, he (the Earl of Desart) would read a letter received from a religious instructor on board the *Rodney*, dated Van Diemen's Land, Jan. 20, 1852; and he would add, that the statements contained in it were worthy of consideration, in connexion with the evil of which the petitioners complained. [The noble Lord then read the letter, which was to the effect, that on the arrival of the vessel in question in Hobart Town there were 870 applications for the 240 men on board; that 1,150 applications were registered for the next ship at the comptroller's office; that all the convicts were employed at once at an advance of 30 per cent wages, in some cases of 70 per cent; that the ship was crowded with persons of all classes anxious to obtain convict servants; and that the confusion on board was so great, that a sentinel had to be placed on the cabin door to prevent the pressure of the applicants.]

Petition read, and ordered to lie on the table.

BREACH OF PRIVILEGE—CASE OF MR. SPRYE.

Lord BROUGHAM *presented* a petition from Richard Sprye, esq., of 5, Oakley-square, Chelsea, a prisoner in Her Majesty's prison of London and Middlesex, complaining of being arrested while on his way to this House to be sworn, in order to his being examined as a witness before the Select Committee on the London Necropolis and National Mausoleum Bill, and praying for relief. The noble Lord stated that Mr. Sprye had made himself a party to a private Bill, by presenting a petition with respect to it. That petition was referred to the Select Committee which had the Bill under consideration; and on Monday last Mr. Sprye was told he must appear before the Committee, by his Parliamentary agent or solicitor, to prosecute the petition: he also purposed to give evidence before it. On Tuesday, while on his way to be sworn and to give evidence before the Committee, he was arrested by the officer for debt, and, notwithstanding all remonstrance, taken to prison, where he now remained. Next day he appealed by petition to the Committee, but they informed him that he must apply to a Judge for a *habeas corpus*, in order to obtain his release. Accordingly, application was made to Mr. Justice Wightman at chambers; but he refused it on the ground that no precedent had been shown of a Common Law Court interfering for the purpose of protecting the privileges of either House of Parliament. The party now sought, by petition, the interference of their Lordships: and his case resolved itself into two points—first, his privileges as a witness; and, secondly, as a party to a Bill then before the House. There might be some uncertainty in regard to the first point, as Mr. Sprye had not been served with any subpœna, and was not under any compulsory process to attend; but, with reference to the second question, as a petitioner, he thought their Lordships were relieved from all difficulty, because a party to a Bill ought to have the same protection as a party to a common law suit, and the practice of all courts gave protection *eundo, murando, et redeundo.* There were precedents in favour of their Lordships' interfering in the matter; but as some doubts might be entertained upon it, he thought the better course would be to refer the petition to a Select Committee, who should inquire into the precedents and law on the subject.

Moved—"That the said petition be referred to a Select Committee."

Lord CAMPBELL suggested the appointment of a Committee on the case, as it would when settled pass into a precedent. This party was not entitled to protection as a witness, because it was only when a party left his house, which was his castle, under compulsion of the law, that he was entitled to protection. As to his being protected as a party, that point at all events would require investigation.

Lord BROUGHAM had no objection that the petition generally should be referred to a Committee.

On Question, *agreed to.*

CORRUPT PRACTICES AT ELECTIONS BILL.

Amendments reported (according to Order).

The Marquess of LANSDOWNE said, that without wishing to enter into any argument or controversy on this subject, he thought it his duty to state what he understood the object of the Bill originally was, and in what shape it would go down to the House of Commons. The Bill originally intended that the appointment of a Commission should be the original act of the House of Commons, that they should be enabled to carry into effect the provisions of the Bill by an Address to the Crown; but under the Bill, as amended, the House of Commons would be deprived of that power, unless the exercise of it met with the concurrence of their Lordships. The result would be, that, as before, the two Houses of Parliament must institute the Commission, and that there would be no difference between the law as it then was, and had always been, and the law as amended, except in effecting a saving of time. The main question connected with this subject, which involved never-failing sources of grievance, were entirely left untouched by the Bill. It was far from his intention to say what course the other House would take with the Bill in its altered form; but he thought it his duty to give their Lordships an opportunity of considering whether they should adopt the Amendments, or rather wait for a more efficacious and satisfactory remedy of the great grievances which it was the object of the Bill to deal with.

The EARL of DERBY said, the noble Marquess had, in substance, correctly stated the effect of the alterations, though he was not altogether right in saying the law was left by the Bill preciely on its present footing. An Amendment had certainly been introduced, depriving the other House of the power of obtaining the appointment of a Committee without the concurrence of their Lordships. He could only now express his sincere hope, that with a desire to put a stop to these corrupt practices, the other House might adopt, and he believed they would adopt, the Bill, with its amended clauses, which he believed would be effectual in preventing the grossest and most flagrant acts of corruption.

Further Amendments made; and Bill to be printed as amended; and to be read 3ª on *Monday* next.

NEW SOUTH WALES.

The DUKE of ARGYLL presented a petition of considerable interest and importance from the Legislative Council of New South Wales, which had been adopted in that assembly by a majority remarkable not only for numbers, but for character. The petitioners complained of certain grievances in respect of the constitution of the Colony, and prayed for relief. In order to explain to the House the nature of the petition, he might be allowed to recall to their Lordships' recollection the circumstances under which it had been drawn up, and the laws to which it referred. In 1842, when the noble Earl now at the head of Her Majesty's Government (the Earl of Derby) held the seals of the Colonial Office, two Acts were passed with reference to the Australian Colonies. One was called the Land Sales Act, which provided that in future the sales of land in the Australian Colonies should take place under the provisions of the Act, and that land should not be sold under the sum of 20*s.* an acre; and that the gross proceeds of the land sales should be devoted to the benefit and service of the colony, one-half those proceeds at least being applied towards defraying the expenses of emigration. Another Bill, also introduced by the noble Earl, conferred upon the colony of New South Wales a constitutional Government in the form of a Legislative Assembly of one chamber, two-thirds of the members of which were to be elected, and the remaining one-third nominated. That Legislative Assembly might pass enactments upon all questions, subject to the approval of the Crown; and in reference to a certain class of questions it was specially provided that their acts should in all cases be reserved for the assent of the Crown, and that until such assent was given they should be inoperative. Such was the state of the law up to 1850, when the noble Earl who was then Secretary for the Colonies (Earl Grey) brought forward a measure altering to a considerable extent the Legislature of New South Wales, and establishing Legislative Councils in the other Australian colonies. Considerable alterations were introduced by the Bill of 1850, which increased, in several important respects, the powers of the Legislative Assembly. Besides certain extensions of the powers of the Assembly with regard to the civil list, power was also given them to levy Customs duties upon all articles imported into the colony, with the single prohibition that such duties should not be prohibitory as against the mother country, or at variance with any treaty made by the British Crown. The existing Colonial Legislature might, under that Act, and with the consent of the Crown, alter the whole constitution of the colony, and establish instead of one Legislative Assembly, two Legislative Chambers, both of which might be elective. He did not think the colonists were disposed to complain of the amendments introduced by the Act of 1850; and he believed it was the sincere desire of the noble Earl (Earl Grey) that the constitution provided by that measure should meet, as far as was possible, the wishes of the colonists. He regretted that the wishes of the Home Government had not been realised, and that the constitution so granted to the colonists was not only not regarded by them as any very important improvement on the previous law, but was represented by them as not having in any material particular remedied the evils of which they complained. He would, with their Lordships' permission, read the petition which had been forwarded to him, and which was in these terms:—

"The humble petition of the Legislative Council of New South Wales, appointed by virtue of the Imperial Act, 13 & 14 *Vict.*, chap. 59,

"Showeth—That the Legislative Council established by the Imperial Act, 5 & 6 *Vict.*, chap. 76, did, on the eve of their supercession by the Legislative Council now existing, adopt and enter on the minutes of their House the following declaration and remonstrance:—

"'We, the Legislative Council of New South Wales, in Council assembled, feel it to be a duty which we owe to ourselves, to our constituents, and to posterity, before we give place to the new Legislature established by the 13 & 14 *Vict.*, chap. 59, to record our deep disappointment and dissatisfaction at the constitution conferred by that Act on this colony. After the reiterated reports, resolutions, addresses, and petitions which have proceeded from us during the whole course of our legislative career against the schedules appended to the 5 & 6 *Vict.*, chap. 76, and the appropriations of our ordinary revenue under the sole authority of Parliament—against the administration of our waste lands, and our territorial revenue thence arising—against the withholding of the Customs department from our control—against the dispensation of the patronage of the colony at the dictation of the Minister for Colonies—and against the veto reserved and exercised by the same Minister, in the name of the Crown, in matters of local legislation—we feel that we had a right to expect that these undoubted grievances would have been redressed by the 13 & 14 *Vict.*, chap. 59; or that power to redress them would have been conferred on the constituent bodies thereby created, with the avowed intention of establishing an authority more competent than Parliament itself to frame suitable constitutions for the whole group of the Australian colonies. These our reasonable expectations have been utterly frustrated. The schedules, instead of being abolished, have been increased. The powers of altering the appropriations in the schedules, conferred on the Colonial Legislature by this new Act, limited as those powers are, have been, in effect, nullified by the subsequent instructions of the Colonial Minister. The exploded fallacies of the Wakefield theory are still clung to; the pernicious Land Sales Act (5 & 6 *Vict.*, chap. 36) is still enforced; and thousands of our fellow-subjects (in consequence of the undue price put by that mischievous and impolitic enactment upon our waste lands, in defiance of the precedents of the United States, of Canada, and the other North American colonies, and even of the neighbouring colony of the Cape of Good Hope), are annually diverted from our shores, and thus forced against their will to seek a home for themselves and their children in the backwoods of America. Nor is this all. Our territorial revenue, diminished as it is by this most mistaken policy, is in a great measure confined to the introduction amongst us of people unsuited to our wants, and, in many instances, the outpourings of the poorhouses and unions of the united kingdom, instead of being applied in directing to this colony a stream of vigorous and efficient labour, calculated to elevate the character of our industrial population. The bestowal of office among us, with but partial exception, is still exercised by or at the nomination of the Colonial Minister, and without any reference to the just claims of the colonists, as if the colony itself were but the fief of that Minister. The salaries of the officers of the Customs, and all other departments of Government, included in the schedules, are placed beyond our control, and the only result of this new enactment, introduced into Parliament by the Prime Minister himself, with the declared intention of conferring upon us enlarged powers of self-government, and treating us, at last, as an integral portion of the empire—is, that all the material powers exercised for centuries by the House of Commons are still withheld from us; that our loyalty and desire for the maintenance of order and good government are so far distrusted that we are not permitted to vote our own civil list, lest it might prove inadequate to the requirements of the public service; that our waste lands, and our territorial revenue, for which Her Majesty is but a trustee, instead of being spontaneously surrendered as the equivalent for such civil list, are still reserved, to the great detriment of all classes of Her Majesty's subjects, in order to swell the patronage and power of the Ministers of the Crown; that while, in defiance of the Declaratory Act (18 *Geo.* III., chap. 12, sec. 1), which has hitherto been considered the Magna Charta of the representative rights of all the British plantations, a large amount of our public revenue is thus levied and appropriated by the authority of Parliament, we have not even the consolation of seeing that portion of it which is applied to the payment of the salaries of our public officers distributed as it ought to be among the settled inhabitants; and that, as a fit climax to this system of misrule, we are not allowed to exercise the most ordinary legislation which is not subject to the veto of the Colonial Minister.

"'Thus circumstanced, we feel that on the eve of the dissolution of this Council, and as the closing Act of our legislative existence, no other course is open to us but to enter on our journals our declaration, protest, and remonstrance, as well against the Act of Parliament itself (13 & 14 *Vict.*, chap. 59), as against the instructions of the Minister, by which the small power of retrenchment that Act confers on the colonial Legislature has been thus overridden; and to bequeath the redress of the grievances, which we have been unable to effect by constitutional means, to the Legislative Council by which we are about to be succeeded.

"'We, the Legislative Council of New South Wales, do accordingly hereby solemnly protest, insist, and declare as follows:—

"'1. That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this colony, or to appropriate any of the moneys levied by authority of the colonial Legislature; that this power can only be lawfully exercised by the colonial Legislature; and that the Imperial Parliament has solemnly disclaimed this power by the 18 *Geo.* III., chap. 12, sec. 1., which Act remains unrepealed.

"'2. That the revenue arising from the public lands, derived as it is mainly from the value imparted to them by the labour and capital of the people of this colony, is as much their property as the ordinary revenue, and ought, therefore, to be subject only to the like control and appropriation.

"'3. That the Customs and all other depart-

> ments should be subject to the direct supervision and control of the colonial Legislature; which should have the appropriation of the gross revenue of the colony, from whatever source arising; and as a necessary incident to this authority, the regulation of the salaries of all colonial officers.
>
> "'4. That offices of trust and emolument should be conferred only on the settled inhabitants, the office of Governor alone excepted; that this officer should be appointed and paid by the Crown, and that the whole patronage of the Colony should be vested in him and the Executive Council, unfettered by instructions from the Minister for the Colonies.
>
> "'5. That plenary powers of legislation should be conferred upon and exercised by the colonial Legislature for the time being; and that no Bills should be reserved for the signification of Her Majesty's pleasure, unless they affect the prerogatives of the Crown, or the general interests of the Empire.'"

He might state that he was quite ignorant of the circumstances which had induced the petitioners to intrust their petition to him. He had not been present in their Lordships' House when the Act of 1850 was under discussion; but, as the petition had been placed in his hands, he thought it his duty to present it to their Lordships, stating how far it appeared to him that the allegations of the petitioners were borne out by facts. Their Lordships would observe that one of the main grounds upon which the petitioners rested their grievances, was the restrictions which had been imposed upon them with respect to the appropriation of the civil list. Now, the only restrictions, so far as he was aware, which the Act of 1850 imposed upon them in this respect were these: first, that the colonial Legislature should only have power to make alterations in the schedule prospectively; second, that with regard to any alterations in the salaries of the Judges, even prospectively, they should proceed, not by annual vote, but by Bill; and in the propriety of both of these restrictions he must say he fully concurred. The principle that existing rights should be protected had long been recognised by the Legislature of this country. That was a principle to which he gave his assent. And then with regard to the important question of the salaries of Judges, it was another great principle of this country that the offices of Judges should be held for life, and that they should not look to any Parliament under the fear that their salaries might be affected by any decision they might give in the discharge of the duties of their office. It was stated by the petitioners that the small power given to the colonists by the Act of 1850 in reference to the salaries in question was effectually nullified by the instructions of the Colonial Minister. He wished for a moment to refer to the despatch which was sent out by the Colonial Secretary along with that Act, and to the instructions he gave to the Governor of New South Wales. The Colonial Secretary said it was not the intention of the Home Government to refuse its assent to any alteration which the colony might think advisable to make in reference to the salaries to be given to those who occupied offices under the Crown in the colony, with two restrictions only. First, that such alterations must be prospective only: that is, not affecting the interest of existing holders; and, second, that the salaries so altered were to be fixed permanently: that is, not to be rendered dependent on annual votes. Now, the statement of the petitioners on that point was this—"the bestowal of office among us, with but partial exception, is still exercised by or at the nomination of the Colonial Minister, and without any reference to the just claims of the colonists, as if the colony itself were but the fief of that Minister." He wished now to call the attention of the House to the final statements of the petitioners. They said—

> "We, the Legislative Council of New South Wales, do accordingly hereby solemnly protest, insist, and declare as follows:—1. That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this colony, or to appropriate any of the moneys levied by authority of the Colonial Legislature; that this power can only be lawfully exercised by the Colonial Legislature; and that the Imperial Parliament has solemnly disclaimed this power by the 18 *Geo.* III., cap. 12, sec. 1, which Act remains unrepealed.—2. That the revenue arising from the public lands, derived (as it is mainly) from the value imparted to them by the labour and capital of the people of this colony, is as much their property as the ordinary revenue, and ought, therefore, to be subject only to the like control and appropriation."

Their Lordships were aware that, as the Bill of 1850 was originally framed, there was a provision made for a Federal Assembly of the Australian Colonies; and it was the intention of the then Government to place at the disposal of that Assembly the question as to the regulation of the waste lands. The fact of that proposal having been made with reference to a single Assembly, and that Assembly being afterwards given up as part of the Bill, had led the colonists to expect that powers similar to those which in that respect would have been given to that Assembly, would be given to the separate colonies. He admitted that all funds derived from the sale of lands in the colonies should be appropriated with reference to the interests of those colonies. The only question was, whether the Imperial Parliament should retain in its own hands some discretion as to the way in which the interests of those colonies could be best provided for. With regard to the first point—namely, that the Imperial Parliament had no power to tax the people of the colony, he begged to say that he was not aware that any party in this country was disposed to question it. But he could not so readily assent to the second point—namely, that the revenue arising from public lands was as much the property of the people of the colony as the ordinary revenue. It was obvious there was a general opinion among the Australian colonists, that the particular mode of dealing with, and the specific price which was affixed to, the waste lands by the Act of 1842 had operated injuriously; and he certainly believed that it was a subject which must soon come under the revision of Parliament. He was not sure, indeed, that it would not ultimately be found desirable to give to the colony of New South Wales, as they proposed to give to the colony of New Zealand, the management of their own waste lands; but, of course, wherever that power was given, they must take care to define the geographical limits within which it was to be exercised. He was not quite sure that he understood the special grievance referred to in the third resolution :—

> "That the Customs and all other departments should be subject to the direct supervision and control of the Colonial Legislature; which should have the appropriation of the gross revenues of the colony, from whatever source arising; and, as a necessary incident to this authority, the regulation of the salaries of all colonial officers."

He might state that there was a clause in the Act of 1850, which enabled the colonists to alter to any degree the import duties which now existed with regard to articles imported into the colony, subject to certain restrictions. He believed the real grievance had reference more to the patronage of the Customs department than to anything else; and, if so, he thought it was desirable that that grievance should be taken away, by placing the patronage of the Customs at the entire disposal of the colonial Executive. The fourth and fifth resolutions stated—

> "That offices of trust and emolument should be conferred only on the settled inhabitants, the office of Governor alone excepted; that this officer should be appointed and paid by the Crown; and that the whole patronage of the colony should be vested in him and the Executive Council, unfettered by instructions from the Minister for the Colonies."—"That plenary powers of legislation should be conferred upon and exercised by the Colonial Legislature for the time being; and that no Bills should be reserved for the signification of Her Majesty's pleasure, unless they affect the prerogatives of the Crown, or the general interests of the Empire."

It was quite clear that if the forms of monarchy were to be adopted at all in the colony, the powers of the Crown must be exercised by allowing and disallowing the Acts of the Colonial Legislature. The only question was, how far that power ought to be delegated to the Colonial Executive, and how far it should be retained by the Home Executive. There were two obvious ways in which that power might be maintained. A list of subjects which were considered to affect Imperial interests might be drawn up, and an Act of Parliament passed, declaring that in regard to none of those subjects should the Acts of the Colonial Legislature have any effect until after the assent of the Crown had been given to them. Or, on the other hand, the Crown might retain, as by the existing law it now did, a general power of allowing or disallowing all Acts of the Colonial Legislature whatever. Their Lordships must all feel that it was a difficult and extensive subject, and one which required great consideration; but he did not think that practically it afforded matter of great grievance to the people of New South Wales at the present moment. The following was the conclusion of the petition :—

> "That we, the succeeding Legislative Council, do accordingly present to your hon. House our affirmation of the same grievances, all of which, with a slight modification in the patronage of the Customs department, by no means commensurate with the rights in the said protest and declaration insisted upon, remain unredressed.
>
> "That these grievances having formed the subject of repeated representations and complaints from the former Legislative Council, all of which have met with neglect or disregard from Her Majesty's Colonial Minister, we owe it to ourselves and our constituents to denounce to your hon. House, as the chief grievance to which the people of this colony are subjected, the systematic and mischievous interference which is exercised by that Minister, even in matters of purely local concernment.
>
> "That, while we are most anxious to strengthen

and perpetuate the connexion which still happily subsists with our fatherland, we feel it a solemn duty to our Sovereign and our fellow-countrymen in the United Kingdom to warn them that it will be impossible much longer to maintain the authority of a local Executive which is obliged by its instructions to refer all measures of importance, no matter how great the urgency for their immediate adoption, for the decision of an inexperienced, remote, and irresponsible department.

"That in order, however, that Her Majesty's confidential advisers may have no excuse for the continuance of these abuses, we unhesitatingly declare that we are prepared, upon the surrender to the Colonial Legislature of the entire management of all our revenues, territorial as well as general, in which we include mines of every description, and upon the establishment of a constitution among us similar in its outline to that of Canada, to assume and provide for the whole cost of our internal Government, whether civil or military, the salary of the Governor General only excepted, and to grant to Her Majesty an adequate civil list, on the same terms as in Canada, instead of the sums appropriated in the schedules to the Imperial Act, 13 & 14 *Vict.*, chap. 59.

"We, the said Legislative Council, therefore humbly pray that your hon. House will be pleased to adopt such measures as may be necessary for the early redress of these grievances."

Now he (the Duke of Argyll) was sure the petition would receive from their Lordships and from the other House of Parliament that consideration which its importance demanded, and which was more than justified by the circumstances under which the petitioners appeared. Their Lordships would recollect, that during the discussion of the Act of 1850, most of the objections which were taken to it in that House had reference to the establishment of a single or double chamber, the proportion of elective and nominated Members, and other points connected with the organic character of the constitution. It would be observed that none of the alleged grievances of the petitioners had reference to any of these points; but he must confess that he, for one, had long entertained a doubt whether it was a wise policy on the part of this country to endeavour to maintain the influence of imperial interests of the Crown by associating with a large number of elected Members certain numbers of non-elected Members, acting as one chamber. It appeared to him that the mixture produced no effective check whatever in the way the Imperial Parliament desired; and he believed that in all great questions affecting the relations between the mother country and that colony, it would invariably be found that the elected Members voted on one side, and the non-elected Members on the other. In the instance of the present petition it appeared that it had been carried by a majority of 21 to 8, and that in the minority of 8 there was not one elected Member, and only one who was not an official Member; while, in the majority of 21, there were only two who had been nominated by the Crown, but who did not hold office. He (the Duke of Argyll) laid the petition on the table of the House, fully convinced that it would receive their Lordships' anxious and serious attention. He would also take the liberty of assuring the colonists, on the part of that House, and on the part of all the great parties in the country, that their sole desire was to adopt such measures as would be most conducive to the welfare of that great community which was rising in the southern hemisphere. They were thoroughly convinced that the interests of this country could not be promoted by the adoption of any measures which would go against the security of the interests of the colonists. He would say, also, that all parties in this country were agreed, not merely in their wishes with reference to the prosperity of the colony, but to a great extent also with respect to the principles upon which that prosperity would be best promoted. He thought he might venture to assert that it was now almost universally agreed that we ought to leave the colonial legislatures to themselves on all questions of a local nature, and that it was only in a limited class of cases that we wished to exercise the power of the Crown in negativing the decisions of the colonial Parliaments. He was quite sure that that principle was generally assented to, although there were doubtless many difficulties in the way of carrying it out.

EARL GREY said, he could not refrain from observing that he saw in this petition a remarkable proof of the bad effects which result from rash and hasty interference on the part of persons in this country with matters affecting the Colonies. He must remind their Lordships of the facts as to the passing of the Act for the better government of the Australian Colonies, which it was the object of that petition so strongly to condemn. This measure originated in the Report of a Committee of the Privy Council, which had been appointed to consider the whole subject of the future government of the Australian Colonies. The Committee had most carefully considered the important subject referred to them, and, after full inquiry, an elaborate report was agreed to. That report having been submitted to and approved by Her

Majesty, was transmitted to the Colonies; and it was a most remarkable circumstance that, although it was received on its arrival in every one of them with a unanimous expression of approbation, yet before the Bill founded upon it could be passed into law, the feeling with regard to it had so much changed, that the Act of Parliament, which was in exact conformity with the recommendations of the report, had been condemned by the Legislative Council of New South Wales in the unmeasured terms used in this petition. He believed this very remarkable change of opinion was produced by the manner in which the Bill, while passing through Parliament, had been discussed by persons who interested themselves in the Colonies, and who, no doubt, entertained an honest desire to promote their welfare, but who seemed to him to be possessed of very imperfect information as to their past history and real requirements, and to be led away by very crude and ill-digested theories. The consequence of the attacks made on the Bill in this spirit had been, that although those grievances which they pointed out had not occurred to the colonists themselves, when the Act became law and was sent out to the colonies, it met there certainly with a very unfavourable reception. He could not go into all the various points that had been referred to by the noble Duke; but there were a few points of which the petitioners complained, to which he must call attention, for the purpose of showing with how much haste and rashness, and with what little pains to ascertain the real facts of the case, those subjects had been discussed in the Colonial Legislature. In the first place, it was asked that the whole patronage of the Colony should be placed at the unrestricted disposal of the Governor and the Executive Council, instead of being, as the members of the Legislative Council seem to believe, entirely reserved for the selfish purposes of the Home Government. This was a common but a vulgar error, to which he was surprised that any countenance should have been given by the Legislative Council: so far was it from being true that the patronage of the Colony had been used in the manner commonly supposed, that having endeavoured to ascertain the facts during the years he had held the office of Secretary of State, he had found that, to the best of his belief, during that time he had appointed one gentleman, and one gentleman only, to a situation in New South Wales. That individual was the keeper of the Botanic Gardens; the Governor having informed him that a scientific gardener was not to be found in the Colony, he had sent him out to New South Wales. That was literally the only piece of patronage with reference to the Colony of New South Wales which he had enjoyed, so far as he remembered, during the time that he had been Secretary of State. It was perfectly true that all the appointments ran in Her Majesty's name, and that all appointments were made by the Governor, subject, above a certain value, to the approval of the Secretary of State. He trusted that this practice would not be abandoned, not on account of the interest of the Home Government, but for that of the Colony itself; because it was an important check that the Governor should report to the Secretary of State every exercise of his patronage, and that the confirmation of the Secretary of State should be required. Next, it appeared that the petitioners complained grievously of the arrangements that were in operation with respect to the Customs department; and wished that the Legislature of New South Wales should be placed in the same position with reference to it as the House of Commons in this country. Now, it was perfectly true that up to a very late period the management of the Customs department, and the exercise of the patronage connected with it, were placed on a different footing from other departments of the Government; but it was one of the good effects of the commercial policy which had been lately adopted, that having removed all restrictions, it was no longer necessary to maintain the machinery by which those restrictions had been enforced. Formerly when this country attached great importance to the strict enforcement of the Acts for the regulation of trade and navigation, it was absolutely necessary that the Treasury at home should appoint the officers of customs by whom these laws were to be enforced, and should exercise a constant control over them, otherwise these laws would certainly have been evaded; but since the navigation laws had been repealed, and protective duties had been abandoned, the late Treasury Board had made over all the control of the customs to the local Government, precisely as other departments of a local nature were intrusted to that Government; and the appointment of customs officers was now practically with the Governor of the Colony. With regard to the complaint that the net produce of the revenue only was placed at the disposal of the Legislature, and the expenses of collection were in the first instance deducted from the gross receipts, he must say he did not think that this constituted a very substantial grievance, seeing that in this respect the Legislature of New South Wales was placed on the same footing as the House of Commons, which did not vote the expenses of collecting the revenue. He would add, that the same system was adopted generally in the Colonies, including Canada, with regard to the payment of the expenses of the establishment out of the gross revenue, leaving the net revenue to be applied by the Legislature; and he never heard that a single complaint had been made in Canada respecting that practice. The next point adverted to was one to which much interest was attached—he meant the management of the waste lands. Nothing was more common than to hear that the management of the waste lands should be given to the Legislature; and that it was absurd to suppose that they would be managed by the distant Government at home. Nothing would show a greater confusion of ideas than such complaints; the management of the waste lands was not a function of the Legislature at all, but a duty of the Executive Government on the spot, which had never so far, as he was aware, been undertaken by the Government at home. It belonged to the Crown or to the Legislature to lay down certain general rules for the regulation of the disposal of the public lands; but it was the duty of the local Executive Government to apply those rules, and to act upon them. With regard to New South Wales, the rules to be followed in the disposal of lands had formerly been laid down by the authority of the Crown; but in the year 1842 a very useful Act of Parliament had been passed, which laid down clearly and definitely the rules for the management of the waste lands, and those rules were left to be applied by the Executive Government of the Colony, leaving scarcely any occasion for the intervention of the Home Government. The House ought to remember that this Act of Parliament, the existence of which was now made so great a grievance, was passed on the recommendation of a Commission of the other House of Parliament, which had most carefully investigated the subject, and of which almost all those who had taken the greatest interest in Colonial affairs had been Members: if he remembered right, the noble Earl opposite (Lord Derby) had been a Member of it, so had the late Mr. Charles Buller, Sir W. Molesworth, Mr. Vernon Smith, and Mr. Hutt. He had himself had the honour of being a Member of it, and could bear testimony to the care and pains with which the subject had been considered. On the recommendation of this Committee the Bill had been introduced by the noble Earl opposite, and had been passed with the general concurrence of men of all parties in both Houses of Parliament. This Act for regulating the disposal of land in the Colonies, he believed to be one of the most practically useful measures ever passed; and he held it to be just and reasonable that Parliament should lay down such rules; and even in the United States the separate States did not exercise complete control over the public lands, but it was to a great extent in the hands of Congress. The change that had taken place within the last twenty-one years in the management of the Crown lands in Australia had this remarkable effect, that whereas until that time there was no such thing as a free emigration to them of the working classes, and the progress of these colonies had consequently been comparatively slow; but since that period, by means of the changes then introduced, large numbers of emigrants of the labouring class had been sent to these colonies, and they had made advances unparalleled in the history of the world. Their progress was more rapid in wealth, population, and all the elements of greatness, than any community in the history of the world had been able to show at any previous period. Byan Act, passed in 1846, and which he had had the honour of proposing to their Lordships soon after his appointment to the office he lately held, the only practical grievance of the measure of 1842 had been redressed; and now the peculiar interests of Australia were benefited by the occupation of land on favourable terms by those who required it for grazing purposes, whilst at the same time the land was not allowed to be engrossed by individuals before they required it, but was left open to be purchased by the public. He was struck some months ago, on looking over the addresses of candidates to the new Legislature of Victoria, to perceive that a very large majority of the number, when asking the support of the electors, professed their determination not to agree to any reduction in the upset price of land. The questions to which their attention had been called involved matters of the deepest importance and of the greatest magnitude, and he begged of their Lordships not to be hastily led away by the cry for what was called self-government. There was no greater advocate for proper self-government in a colony than himself; but they must be careful not to throw all power into the hands of an utterly unbalanced democracy. What persons meant by that cry was to form a government of that description which was not calculated to promote the true freedom of the inhabitants of the colony. Many of the principles now put forward were really inconsistent with the maintenance of any colonial empire at all; and many of the persons who held that language were sincerely of opinion that it was for the interest of this country and of the Colonies that the connexion between them should be dissolved. He totally differed from that opinion: he believed it was of the highest importance to both that the British Empire should be maintained as it had been, and that the power and influence of the Empire in every separate member of it should be continued and preserved. If they were to continue a united empire, if the British Empire was to be maintained, this, at all events, was obvious, that the Imperial Government must exercise some authority over its dependencies. It was impossible that the Imperial Government should undertake the burden of defending those colonies—that they should ensure to every British colonist in all parts of the world that protection and security which belonged to the character of a British subject—or that they should maintain peace amongst the different members of the different dependencies themselves—without exercising some real and substantial authority over them. He went as far as any man in saying that that authority should be strictly limited for those purposes; and when they got beyond vague generalities, and looked to realities, he thought their Lordships would find that, with regard to the real substantial management of their own local affairs in the colonies, the interference by the Home Government of late years had been exercised strictly and exclusively with the view of maintaining those great principles to which he had adverted. He was convinced that the more these circumstances were investigated, the less real foundation would there be for the clamour which had been raised against the Government with respect to the management of our colonial empire.

Lord WODEHOUSE said, that with regard to the management of the waste lands, he agreed with the noble Duke (the Duke of Argyll) in what he had said upon the subject, rather than with his noble Friend (Earl Grey). He fully admitted that the administration of waste lands was a matter of Imperial concern, and that nothing could be more absurd than to suppose that, when persons from this country settled themselves upon a great continent like Australia, they were forthwith to assume the administration of the entire waste lands of that continent. On the other hand, however, there was another view which he thought the colonists took of the subject, and which was worthy of attention, and that was the point of colonial progress at which the colonists might fairly demand from the Imperial Government to have a larger share in the management of their waste lands. The noble Earl had drawn a distinction between the management of the Executive Government and the measures of the Legislature; of course, the Legislature did not intend to manage the lands themselves, but merely to lay down regulations for their management. It might be found that New South Wales had arrived at that point when, after defining the bounds, they should give the local Legislatures the management of their lands within the prescribed limits. He did not say that they would manage the lands better than the Home Government; but it was to be regarded as a measure of policy, inasmuch as the retention of the management of the waste lands by the Home Government was calculated to create discontent. Although they might be acting wisely, as regarded the material interests of the colony, by retaining in the hands of the Home Government the management of the waste lands, yet, by introducing a feeling of discontent, they would do greater injury to the colonial prosperity than any advantage that could be gained by retaining the management of those lands. With regard to that portion of the petition which related to the veto of the Crown upon measures which had passed the Colonial Legislature, that was undoubtedly a difficult and delicate matter to deal with. It was not easy to define what were proper subjects for the interference of the Imperial Legislature; but so long as protection was given to the colonists, they must be content to submit themselves to the interference of the Home Government in matters of paramount importance; and he thought it would be easy to define the subjects, which being purely local might receive the assent of the Governor without reference home, and that the consent of the Imperial Government should be necessary in all cases where the Royal prerogative or Imperial interests were concerned.

After a few words from the Duke of Argyll, Earl Grey, and the Earl of Desart,

Petition ordered to lie on the table.

THE LATE BARONESS VON BECK.

Lord **BEAUMONT** *moved*—

> "That an humble Address be presented to Her Majesty for a Copy of the Information taken on oath before the Justice of the Peace at Birmingham, on which a warrant to apprehend Wilhelmina von Beck and Constant Derra was issued."

Since he had last brought the very melancholy case of this unfortunate lady under their Lordships' consideration, he had had communications from several persons respecting it, and all the information he had thus obtained confirmed completely the statement which he made to their Lordships of the circumstances attending her death. Mr. Toulmin Smith, the barrister who was engaged in the prosecution, had written a long letter, and amongst other things he said that he as an advocate had not advised that any warrant should be taken out, but quite the contrary; but he (Lord Beaumont) did not desire, after reading that letter, to modify the remarks he had made on a former occasion respecting this gentleman's proceedings in the conduct of the prosecution—which proceedings, he might add, had been aggravated by several letters written in very bad taste and feeling, which Mr. Toulmin Smith had, since the melancholy death of the lady, addressed to the daily newspapers. There was another point to which he wished to call their Lordships' attention. After this lady's death, the other prisoner, Constant Derra, was brought before the magistrates, who dismissed the case; but the papers that had been seized, consisting of correspondence with publishers, and communications with other Hungarians, were not returned. When the magistrates dismissed the case, they should not even have impounded the papers; but more than that had been done, for the letters had been since handed over to the prosecuting parties. He was prevented from moving for an inquiry into the conduct of Mr. James, the committing magistrate (which would have been the proper course to have taken), by the recent death of that gentleman. Notwithstanding, however, the difficulty which had thus been interposed, he thought that some inquiry should take place into so disgraceful a case; but at present he should content himself with moving for a copy of the information to which he had already referred.

The **LORD CHANCELLOR** said, that he had received a communication from the Mayor of Birmingham, stating on behalf of the magistrates of that borough their readiness and anxiety to have this subject thoroughly investigated.

On Question, *agreed to.*

CASE OF THE BARON DE BODE.

Earl **FITZWILLIAM** said, it would appear, from the recent discussion respecting the Baron de Bode, that there was a surplus of the money which had been given by the French Government available for the Baron de Bode. In order that it might be ascertained what the amount was, he begged to move for "an Account of the entire sum awarded to the Claimants upon the French Compensation Fund; distinguishing the names of, the sums claimed by, and the sums awarded to the several Claimants, by virtue respectively of the 59 *Geo.* III., chap. 31, and the Treasury Minutes of the 2nd of May, 1826, the 8th of June, 1830, and the 15th of March, 1833; also, an account of the sum remaining in hand after payment of the last Award, and of the manner in which such sum had been appropriated."

The Earl of **DERBY** had no objection to the production of the returns moved for: but he had reason to fear that there would be found no funds at all available for the Baron de Bode. There was, indeed, a surplus twenty-two years ago; but that surplus had since been distributed among various persons, who had made out their claims to compensation. The whole sum agreed to be paid by France had been distributed among those who had at various times proved themselves entitled to it, and he believed that there was now no surplus whatever remaining.

Return ordered to be laid before the House.

THE CANTON OF NEUFCHATEL.

Lord **STANLEY of ALDERLEY** rose to ask the Secretary of State for Foreign Affairs whether he could, without inconvenience to the public service, give the House any information with respect to the nature of the protocol which had been recently signed by England and the four great European Powers, in relation to the affairs of the canton of Neufchatel; or if there was any objection to lay the protocol itself on the table of the House?

The **EARL of MALMESBURY** said, that all which he could at present conveniently state in reply to his noble Friend was, that such a protocol as that to which he had alluded had been signed. As, however, negotiations were now pending upon the subject of that protocol, it would not be proper for him to enter into any details with respect to it, nor could he at present lay it upon the table of the House.

THE BREACH OF PRIVILEGE—MR. RICHARD SPRYE.

LORD BROUGHAM said, that the House had in the early part of the evening appointed a Select Committee to inquire into the precedents which might guide their proceedings in an alleged breach of privilege which had been committed by the arrest of a Mr. Sprye, while on his way to attend their Lordships' House. He believed, however, that many of their Lordships were of opinion that as there could be no doubt as to the nature of the proceedings upon this subject, a more summary mode of proceeding should have been adopted, and that the petitioner and the party who arrested him should have been at once brought to the bar of the House.

LORD TRURO said, there could be no doubt that that House had the same power which was possessed by other Courts, where the practice was to order the immediate discharge of a person who was arrested for debt while on his way to attend before them, either as a suitor or a witness.

The **LORD CHANCELLOR** thought it would be best to discharge the order for the Committee, and bring the parties to the bar of the House. He had himself several times discharged parties who were arrested for debt while on their way to attend the sittings of the Court of Chancery, and there could be no doubt that their Lordships possessed the power to take a similar course. In the present case all they had to do was to inquire whether the statement made was in every respect correct, and that the party was really proceeding to that House for the purpose of prosecuting his interest as a suitor, when he was arrested.

"Sprye, Mr. Richard — The Order made this Day, referring the Petition of Mr. Richard Sprye to a Select Committee, *discharged.*

"Ordered—

"That the Governor of the Whitecross Street Prison, or his Deputy, do bring Richard Sprye, a Prisoner in his Custody, to the Bar of this House *To-morrow*, at Eleven o'Clock; and that William and John Willis, Officers of the Sheriff of London and Middlesex, do attend this House at the same Time."

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, June 18, 1852.

MINUTES.] PUBLIC BILLS.—1° General Board of Health (No. 2).
2° School Sites Acts Extension; Property of Lunatics.
3° Improvement of the Jurisdiction of Equity; Representative Peers for Scotland Act Amendment; County Rates; Protestant Dissenters; Savings Banks (Ireland); Inland Revenue Office; Thames Embankment.

MILITIA PAY BILL.

Order for Committee read.

COLONEL SIBTHORP said, he had to complain that no allowance for forage for officers' horses was made in the Bill. He found there were upwards of 200 officers, colonels, and lieutenant colonels, who would be necessarily mounted, to be embodied under the new Militia Bill, and he considered that a proper allowance for forage ought to be made. Now he wished to know whether the clause in this Bill applied to the proposed new embodiment of the militia, or only to the old system, as he distinctly understood the right hon. Secretary at War to say it did not apply to the new enrolment?

MR. BERESFORD said, he had been misunderstood by the hon. and gallant Member with respect to the operation of the Bill. He was now willing to give the hon. and gallant Gentleman the information he sought. With respect to the application for allowance for forage, the omission was not accidental. The Estimates had been framed with a strict regard to economy, and it had been decided after due consideration that it was not necessary to increase those Estimates by an allowance to officers for forage. Every one who knew anything of military affairs knew that it would not be at all necessary to mount field officers during the first year, because, as the men could only be drilled in squads and companies for twenty-one days, the officers could inspect them just as well on foot. With respect to the efficiency of this particular branch of the service, he agreed with the hon. and gallant Member that everything ought to be done to ensure the efficiency of the militia, and especially to establish a good feeling between officers and men. He could assure the House that the Estimates had been framed on the advice of competent military authorities, and that, without impairing the efficiency of the militia, the Estimates had been materially reduced. He was glad to be able to state, that instead of 450,000*l.*, which it was thought would be necessary, the charge would be reduced to 283,000*l.*

MR. HUME said, it was a mockery to talk of amendment in the Militia Bill without due consideration, which it could not have at this period of the Session and in the present state of the House. He protested against the mode of legislation at the morning sittings, and after midnight, when the majority of Members had retired. He protested against this mode of legislation. He stayed in the House on the previous night until he could no longer bear the fatigue, having sat in the House from 12 o'clock in the day till 12 o'clock at night; and now he found that after that hour, and when many Members beside himself were absent from the same cause, many important Bills had been forced on and disposed of, some of them being thrown out owing entirely to the state of the House. This was not doing justice to the character of the House. He had objected—not factiously—from the first against the gradual but heavy increase which had now been going on for several years in our naval and military expenditure, and especially against the, as he contended it to be, perfectly needless expense to be incurred under the Militia Bill. He much regretted to find this country running in the same course as several Continental nations, and he much feared the same result of financial embarrassment would follow. Look at France. At this moment, in consequence of the enormous expense of her military force, she found herself compelled to resort to that class of taxation which we were abandoning. So it was with Austria; and yet we were actually galloping in the same direction. He believed it would be found in all countries that the great cause of revolutions had been financial pressure. They were keeping to the utmost tension that tax which had enabled Sir Robert Peel to carry those commercial changes which had proved of so much advantage to the country. The amount produced by the Income and Property Tax, about 5,500,000*l.*, was more than absorbed by the increased naval and military establishments. Therefore, he was surprised at the course now being pursued by a Government which professed anxiety to lessen the burden of taxation. The right hon. Secretary at War congratulated the House upon the expense being only 283,000*l.*, instead of 450,000*l.*; but, instead of regarding it as any saving at all, he looked upon the whole of that large sum as wasted. Under the Government of the Duke of Wellington, the expense of the national defences was 6,000,000*l.* or 7,000,000*l.* less than at present. He repeated that he must protest against the mode in which the House was legislating on important subjects affecting the well-being of the country at this period of the Session, when one-half the Members were attending to their elections, and the other half were engaged upon Committees upstairs. Yesterday thirty-five Orders stood on the paper, most of them referring to subjects of great public importance, and the way in which some of them were hurried through after midnight, was by no means creditable to the House. There was a time when he should have felt it his duty to take some effectual step to put a a stop to such a mode of proceeding, but now he could do no more than protest against it. He was ready to admit that the Government were acting under special circumstances, and he was not one to do anything to increase their difficulties; but he felt bound to point out the danger of allowing the course now pursued to form a precedent for future Sessions. He hoped previous to the next Parliament that Ministers would consider the means of reducing not merely our heavy expenditure, but the heavy amount of taxation which weighed upon the people. The amount levied upon the industry of this country in the shape of taxes was not less than 57,000,000*l.* annually, and taking into account municipal and county charges, it was upwards of 65,000,000*l.* a year. This was a burden which, considering the great reduction which had taken place, and was still going on, in the profits on capital employed in all departments of industry, could not long be borne. It was well known that at this moment many men of 150*l.* a year were more free from debt than others of 15,000*l.* a year. He warned the Government against the dangers which might arise from future commercial depression, under which it would be found difficult to maintain order, should the taxation continue at its present amount. There was, he really believed, no country where taxes were paid with less discontent than in England; but there was a limit to public forbearance; and as Her Majesty's Ministers had severally taken an oath that they would endeavour to promote the interests of the country, and to maintain the stability of the Throne, he hoped that during the recess they would prepare a plan for revising the whole system of taxation, more especially as, without such a revision, the Income Tax, which was renewed only for one year, could not possibly be continued. These were matters of deep importance, and unless the difficulties of the case were fairly grappled with, many of the younger Members of that House might live to regret that remedial measures had not been adopted in time.

Mr. BROTHERTON said, he could exculpate the Government from any blame with regard to the late sitting of the previous evening; the Government did not press any Bill which was objected to, after the New Zealand Bill; and the loss of those Bills, which had been referred to, and which he regretted as much as the hon. Member for Montrose, was owing to the pertinacity of Members on their (the Opposition) side of the House.

House in Committee.

Mr. HUME said, there was no House [alluding to forty Members not being present], and therefore this Bill must rest upon the sole responsibility of the Ministers of the Crown.

Mr. WALPOLE said, of course the Ministers were responsible for every measure they brought before Parliament; but he thought the reason of there being a thin House upon that Bill was, that the principle of it, giving Government power to raise 80,000 men, and of further increasing the force to 120,000 men, had been established by the decisions of that House, and would in all probability be affirmed by the other House in the course of a few days. This Bill was merely the means of paying the expenses of another measure, which would not have been passed without repeated and most thorough discussion in both Houses of Parliament.

Bill passed through Committee.

House resumed. Bill *reported.*

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.

Order for Third Reading read.

Sir HENRY WILLOUGHBY moved the insertion of clauses—1. Providing for the service of process on a defendant who should be living out of the jurisdiction of the court; 2. That when personal service was not practicable, the Judge should have the power to direct service by way of advertisement; 3. That no process of contempt should issue for non-appearance; but that in case the defendant should not appear, the plaintiff should be at liberty to proceed as if he had appeared; 4. That all pleas, answers, &c., in any Chancery suit, or acknowledgments of deeds, might be sworn in Scotland, Ireland, or the Colonies, before any Judge, &c., authorised to administer oaths in such country, colony, &c.; or before any consuls, &c., in foreign parts; 5. That all persons swearing before such authorities should be liable to the same penalties as were imposed for false swearing before the persons now by law authorised to administer oaths; and, 6. That any person who should forge the signature or seal of any such Judge should be guilty of felony.

Mr. WALPOLE said, that every Lord Chancellor had the power of enforcing that which was proposed by the hon. Baronet in his first three clauses. It was not therefore necessary to adopt them; but with regard to the last three resolutions, he thought they would be an improvement to the Bill.

Clauses added to the Bill.

Sir A. COCKBURN suggested a clause to provide for an additional payment to the examiners, who would under this Bill be required to examine witnesses orally, instead of, as heretofore, by written interrogatories: agreed to.

Mr. WALPOLE consented to the introduction of the clause, which provided that the Lord Chancellor might increase the salaries of the examiners, in consideration of the increased duties by the taking of depositions orally.

Bill read 3°, and *passed.*

COMMON LAW PROCEDURE BILL.

Order for Committee read.

House in Committee.

Mr. CROWDER asked the Attorney General whether his attention had been drawn to the propriety of introducing into the 42nd Clause a power to bring questions before a Judge without the intervention of a jury.

The ATTORNEY GENERAL said, his attention had been called to the expediency of getting rid of the necessity of summoning a jury; but it was a very large and important question, which they ought not to touch without reflecting on the consequences. This Bill was framed upon the recommendation of learned Commissioners, and had been most carefully considered in the other House. He therefore thought it would be inexpedient to introduce any provision into the present Bill which would render a jury unnecessary.

Mr. CROWDER said, he could not find from their Report that the Commissioners had considered the question at all.

The ATTORNEY GENERAL begged leave to refer back to the 18th Clause, to fulfil a promise he had made to his right hon. Friends the Attorney and Solicitor General for Ireland, and the Lord Advocate for Scotland. The clause enabled them to serve summonses upon persons removed out of their jurisdiction, and to proceed in the English courts against those parties. It was intended to apply to persons going abroad, and with no intention of clashing with the jurisdiction of the courts in Ireland and Scotland. He had, therefore, no objection to introduce into the 18th Clause, after the words "in any place," the words "except Scotland and Ireland."

Clause amended accordingly.

Clause 5 (No pleading shall be deemed insufficient for any defect which could heretofore only be objected to by special demurrer except in the cases hereinafter particularly mentioned).

Mr. CROWDER said, he had a very strong objection to this and the following clause. The profession and public were agreed that special demurrers were a disgrace and scandal, and nothing more than verbal quibbles. The Commissioners were of the same opinion; but the Bill did not carry out the views of the Commissioners in that respect. He did not see the necessity of continuing demurrers in any case whatever; and he would submit to the Attorney General that the exception in this clause should be struck out, and also the whole of the 52nd Clause, allowing demurrer on the grounds of duplicity, argumentativeness, and uncertainty, for the purpose of introducing a provision that if the pleadings were purposely framed to embarrass, the other party might take out a summons before a Judge to amend them.

The ATTORNEY GENERAL entirely agreed in the propriety of getting rid altogether of special demurrers. The Government were not in the slightest degree responsible for the clauses of this Bill, which had come down from the Lords, after being carefully considered there, and undoubtedly it did not carry out the recommendation of the Commissioners that special demurrers should be entirely abolished. He considered them a disgrace to the profession, and he only regretted his hon. and learned Friend (Mr. Crowder) had not consulted him, that a clause might have been prepared between them to carry out the views of the Commissioners. He would suggest that the portion of the clause denoted by the hon. and learned Gentleman, and Clause 51, be struck out, and a new clause brought up on the Report.

Mr. WHITESIDE concurred as to the disgraceful character of special demurrers, which had the effect of delaying parties having substantial rights from obtaining judgment upon them.

Mr. CROWDER proposed to strike out the exception in the 51st Clause, and the whole of the 52nd Clause, and suggested that the Attorney General and the Solicitor General for Ireland should prepare some provision, not precisely in the words in the Report of the Commissioners, but to enable parties really to understand what was to be tried.

Clause amended. Clause 52 struck out. Clause 53 agreed to.

Clause 80 (Either party may, by leave of a Judge, plead and demur to the same pleading at the same time, upon an affidavit by such party or his attorney).

Mr. J. EVANS moved to leave out the words following the word "time," and thus to render it unnecessary for parties to support their pleadings and demurrings by affidavits. He objected to all unnecessary oaths.

Amendment proposed, page 21, line 21, to leave out from the word "time" to the word "and" in line 28.

Mr. CROWDER said, there might be cases in which the parties would agree upon the pleadings, and no affidavits would be necessary.

Sir ALEXANDER COCKBURN suggested as a compromise between requiring affidavits in all cases, and not requiring them at all, that they should be necessary "if required by the Court."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 56; Noes 18: Majority 38.

Amendment made; the words "if required by the Court," added to the clause after the word "affidavit."

Clause *agreed to.*

Clause 121 (Abolishing ground writs).

MR. J. EVANS called the attention of the Attorney General to the case of a person having a debtor who resided at Peckham, whence one might escape into the adjoining county of Kent, and who had places of business in London and Westminster. No fewer than four writs would be necessary in that case; but why should not the Queen's writ run everywhere?

MR. CARTER saw no use for a multiplicity of writs.

SIR ALEXANDER COCKBURN remarked, that sheriffs and officers must be made capable of executing writs in counties where they were not sheriffs and officers, if the suggestion thrown out were to be carried into effect.

The ATTORNEY GENERAL thought the question raised by the hon. and learned Member for Haverfordwest (Mr. J. Evans) was, whether, a writ being issued, any sheriff might not execute that writ. The question was a knotty one; and the proposition of the hon. and learned Member would so far interfere with the existing state of things that he could hardly be expected at once to acquiesce in it.

Clause *agreed to;* as were also the remaining clauses.

SIR ALEXANDER COCKBURN said, he was one of those who entertained a strong opinion that all forms of action were unnecessary, as causing impediments in the administration of justice; but he did not think it right to hazard the passing of this Bill, by introducing into it such a provision. He was the more willing to forego the carrying those provisions this Session, as he observed that the late Lord Chief Justice (Lord Denman) had given notice in the other House of his intention to introduce next Session a Bill for this purpose. As they were now come to the last clause, he could not finally take leave of the Bill without expressing his thanks, which he was sure were due, to his hon. and learned Friend the Attorney General for the friendly way in which he had entered into the spirit of this great improvement of the law, and the assistance he had rendered to the Commissioners and to the public by applying his best efforts to their service. The whole of the profession and the public must feel much indebted to his hon. and learned Friend and to Her Majesty's Government.

MR. NAPIER, concurring in the opinion that this Bill would be attended with the most beneficial results, announced his intention to introduce in the next Session of Parliament a similar measure having reference to Ireland.

MR. CROWDER expressed a hope that the Government would consider the suggestions made in the course of this discussion.

Last clause *agreed to.*

The ATTORNEY GENERAL said, it had been found that very great oppression arose from the permission to plead *in formâ pauperis.* The power was given, he thought, under a statute of Henry VI., and serious consequences attached to the pauper if he brought a suit improperly, because he was liable to be whipped. That provision, he supposed, would not be applied in the present day. It was necessary that the party should obtain a certificate of counsel that he had a good cause of action, and on that certificate he was allowed to sue *in formâ pauperis.* The consequence was, the person so suing was not liable for any costs if he failed, and if he succeeded, the other party had to pay the whole of the costs. Hon. and learned Gentlemen on both sides of the House would confirm him in saying there had been a variety of cases in which it was quite scandalous that an action should ever have been allowed to be brought by a pauper. What he proposed to do was, to provide, that in every application for permission to plead *in formâ pauperis* the counsel should appear in such application, and in addition, if the pauper recovered, he should not be entitled to his costs unless the Judge who presided should certify that it was a proper case for the pauper to have costs. This had been suggested by one of the Common Law Commissioners, and as he anticipated no objection to it, he should bring up a clause to that effect.

Clause brought up and read.

MR. S. CARTER admitted there were some cases of persecution under this form of proceeding, but he objected to legislating for exceptional cases. He thought they ought not to exclude the poor from this old privilege, and that it was unlikely respectable attorneys or counsel would take up any cause, however just, if their sole remuneration was to rest upon the caprice of the Judge who presided.

SIR ALEXANDER COCKBURN said, the clause took that side of the House a little by surprise, and it would certainly be placing a great restriction upon the poorer part of the community seeking redress in the courts of law. He quite agreed that cases of glaring abuse in some way or other occurred, but he hoped his hon. and learned Friend would allow the clause to stand over to the subsequent reading of the Bill.

The ATTORNEY GENERAL said, he was convinced it was never the intention of the old Act that the pauper should recover any costs at all; but as his hon. and learned Friend the Member for Southampton said it took him by surprise, he had no desire to press the clause. He would leave it for some subsequent provisions, and would therefore withdraw it from this Bill.

Clause *withdrawn.*

Clauses, extending the provisions of the Bill to the Courts of Common Pleas of Lancaster and Durham, added; the preamble was agreed to.

House resumed. Bill *reported.*

CRIMINAL LAW—CASE OF MR. PASCOE.

MR. CROWDER begged to ask the right hon. Secretary of State for the Home Department whether he had received any applications in favour of William Hamblyn Pascoe, a medical practitioner, sentenced to ten years' transportation at the last Cornwall Assizes, for administering savin with intent to procure abortion; and whether he was aware that the opinion of the only medical witness for the prosecution, that no medical man of competent skill would use savin unless his object were abortion, had been shown to be erroneous by a large body of the medical profession, and had been admitted by the witness himself, since the trial, to have been expressed in ignorance of the fact that savin is in use in the profession for legitimate purposes; and whether it was the intention of Her Majesty's Government to advise a pardon or any mitigation of the sentence?

MR. WALPOLE said, the question of the hon. and learned Gentleman, in fact, resolved itself into three questions—the first being whether any application in favour of Pascoe, a medical practitioner, sentenced to transportation for administering savin, with intent to procure abortion, had been received by the Secretary of State for the Home Department. In answer to that question, he had to reply that several applications in favour of Pascoe had been received at the Home Office; that the greatest possible attention had been paid to them, and in consequence of the highly respectable character of the applicants, he (Mr. Walpole) directed inquiry to be made into the case. The second question was whether the Secretary of State was aware that the opinion of the only medical witness for the prosecution, that no medical man of competent skill would use savin, unless his object was abortion, was erroneous. Now, unquestionably, the medical practitioner who gave that testimony laboured under an erroneous impression when he stated that savin was never used except when abortion was desired. But the hon. and learned Gentleman would draw a very wrong inference from the admission that had been made by many medical practitioners that savin was used for other purposes than that of procuring abortion, if he supposed that the circumstances of the case in question were not sufficient to prove that Pascoe had been guilty of the charge of which he had been convicted. Perhaps the House would allow him (Mr. Walpole) to state the facts, as the case had made a great stir in the world. He had himself most minutely examined the case, and he had no hesitation in saying that the person who was accused of this charge was guilty. That person had examined the young woman three or four times, and must have known her state. He administered to her doses of savin for nineteen successive days. He took the woman into his own house, and observed the effects which the medicine which she took had upon her. The child was born in his house; he took it in a bundle one evening to the sexton, and desired him to bury it secretly, without the knowledge of any party. He (Mr. Walpole) therefore thought that, under such circumstances, the jury were justified in the verdict which they gave, to the effect that the medical practitioner was in the wrong; and he (Mr. Walpole) was not prepared to say that it was the intention of Her Majesty's Government to advise a pardon or mitigation of the sentence. He would take that opportunity of stating, that the duty of a Secretary of State for the Home Department with respect to such questions as these was extremely painful;

and he trusted that the House would not press for any answer as to the course which he might feel it his duty to recommend Her Majesty to take with regard to the sentence.

THE LOBOS ISLANDS—SUPPLY OF GUANO.

MR. CAYLEY said, he begged to ask the right hon. Gentleman the Chancellor of the Exchequer the following questions: 1. Whether the question as to the territorial right over the Lobos Islands had been laid before the present, or late, or what Law Officers of the Crown, and in what year? 2. And, if there were an etiquette against making public the answer given by the Law Officers, whether there was an equal objection to producing the case laid before such Law Officers, with a view to satisfying the agricultural public of this country that every means had been taken to give them the great advantage of a cheaper supply of guano? 3. If the present Law Officers had not been consulted on this important question, whether there was any objection to consult them?

LORD STANLEY said, that as the questions referred more particularly to his department, he would take the liberty of replying to the hon. Gentleman's questions. In the first place, a case involving the territorial rights of the Peruvian Government over the Lobos Islands was raised in 1834, and submitted to the Law Officers of the Crown, who had made a report; but, as the hon. Member must be aware, it was not usual to make public such reports. With regard to the case then submitted to them, and on which the opinion of the Law Officers was founded, it would be found in the papers shortly to be laid on the table of the House, and that statement must be his excuse for not now entering at greater length into the question raised by the hon. Member. In consequence of the report of the Law Officers in 1834, Mr. Belford Wilson, our Consul General, was informed that there was no reason to doubt the Lobos Islands had been always part of the territories of Peru, and that the Peruvian Government was right to prohibit fishing around them. As to the third question, the Law Officers of the Crown had not been lately consulted, because the question appeared to have been decided in the former report.

MR. F. SCOTT said, considering that the question he wished to ask did not affect the right to the islands belonging to Peru, perhaps the noble Lord the Under Secretary of State for Foreign Affairs would state whether Her Majesty's Government had applied, or intended to apply, to the Peruvian or other Governments interested therein, to enter into arrangements for the purpose of obtaining for British ships free access to places supplying guano. Also, whether any instructions had been given to Colonial Governors and officers of Her Majesty's Navy to look out for islands or other places containing guano, and take any practicable steps towards securing to the public, at the cheapest rate, an ample supply of that article free from adulteration; and whether there was any objection to lay upon the table any papers relating to that subject?

LORD STANLEY said, he quite admitted the deep interest and importance of the questions, and, in answer, had to state that several applications had been addressed to the Peruvian Government, with the view of obtaining guano at a lower price, but hitherto, he regretted to say, without success. He did not undervalue the importance of negotiations on the subject, but he believed the best means of procuring an ample supply of guano would be by bringing into play the principle of competition. He could inform the hon. Member, however, that at the present moment instructions were being sent out by the Admiralty directing our naval officers on distant stations to use their best efforts to discover islands containing fresh supplies of guano. Printed reports were being sent out by which the various kinds of guano could be tested, and the right hon. Baronet the Secretary for the Colonies had directed the Colonial Governors to promote the search for it by every means in their power. The papers would be laid on the table in the course of the evening.

Subject dropped.

NEW BUILDINGS AT SOMERSET HOUSE.

MR. W. WILLIAMS said, he wished to know if the New Buildings at Somerset House had been sanctioned by the House, or if the noble Lord the Chief Commissioner of Works was prepared to come down and ask the House to vote the amount required for them, and had they any estimate of the expense?

The CHANCELLOR OF THE EXCHEQUER said, that as the hon. Member had only given a general notice of his intention to ask for information respecting

Somerset House, his noble Friend (Lord J. Manners) was not aware of the particular information required; but, as he (the Chancellor of the Exchequer) happened to be acquainted with the facts, he would state, in reply to the hon. Member, that it was not the intention of Her Majesty's Government to ask for any Vote for the buildings in question. An extremely wise arrangement had been made by their predecessors in office which the present Government was prepared to carry out, and the object of the new buildings was to bring all the branches of the Inland Revenue Department under one roof, without which a real consolidation was impossible. While there was a local distribution of offices they could have no real consolidation of any department, and, for the sake of economy and of the public service, Government were carrying out the present arrangements. As to the question of expense, he had great pleasure in telling the hon. Member that the buildings and offices relinquished would be worth much more than the expense incurred by effecting the consolidation.

Mr. HUME said, he wished to ask if the Government had followed the recommendations of the Committee on Naval and Military Expenditure with regard to the residence of the First Naval Lord of the Admiralty, and if they were prepared to carry out, for the sake of economy and the public service, the removal of the Board of Admiralty, so as to bring them all under one roof?

Mr. W. WILLIAMS said, the right hon. Gentleman the Chancellor of the Exchequer had not answered the most important part of the question he had asked. He objected to making any outlay of public money without the sanction of the House, and wanted to know if the Government had had an estimate of the expense?

The CHANCELLOR of the EXCHEQUER replied, that of course neither the present nor the late Government would have taken such a step without an estimate.

Subject dropped.

MR. SMITH O'BRIEN.

Mr. FITZSTEPHEN FRENCH said, the noble Lord the Chief Secretary for Ireland was aware that a petition had lately been presented to the Lord Lieutenant of Ireland, in favour of the remission of the sentence on Mr. Smith O'Brien. It was understood generally throughout Ireland that Her Majesty's present Government were desirous that such a petition should be presented, in order that they might avail themselves of such an opportunity of releasing Mr. Smith O'Brien. Amongst others, he (Mr. F. French) signed his name to that petition. He did so under the impression that he was affording to Her Majesty's Government an opportunity for doing an act of grace. He certainly should not have signed it unless he believed it was their intention to avail themselves of that opportunity. He believed that Mr. O'Brien was now suffering under an *ex-post facto* law. [*Cries of* "Order!"] Well, he would content himself with asking the noble Lord the Chief Secretary for Ireland whether he was not one of those persons who had given encouragement to the presentation of the petition in question? He did not put the question in a hostile spirit; in fact, he believed that the noble Lord was desirous that that question should be put to him.

Lord NAAS: Mr. Speaker, I feel very much obliged to the hon. Gentleman for having put this question to me, and I beg to assure him that at no time, either directly or indirectly, by word or by letter, did I give any one reason to believe that the Government were favourable to the presentation of that petition. Furthermore, I was not cognisant in any way of the preparation of that petition beyond what I saw in the public papers.

FROME VICARAGE.

On the Motion that the House on its rising do adjourn until Monday,

Mr. HORSMAN said, that he would detain the House for a very few moments; but the importance of the subject, and the advised decision which the House had come to on the question of the Vicarage of Frome, made him feel that he ought to take the earliest opportunity of intimating the course which he now thought it right to adopt. He thought it better that he should do this than that he should allow this Motion for the appointment of a Committee to be postponed from night to night, until at length it might appear that it had died a natural death, from the House having ceased to take any further interest in the question. But, from all that had passed since the House came to that vote, he must say that he found the public interest upon this subject not in the slightest degree abated, nor did he find on the part of those who voted in the majority on that occasion anything but an increasing desire to give effect as much as possible to the vote of the House. The House must feel the difficulty which he had had in dealing with the nomination of the Committee. It had not been his fault that the discussion had come on, and the vote of the House had been arrived at, at so late a period of the Session. He brought the circumstances of the case before the House in the month of April. Seven weeks then elapsed, owing to circumstances over which he had no control, and it was not until the 8th of June the decision of the House was taken, late at night. On the following day he was in the House at twelve o'clock, and was actively engaged from that time until six o'clock in endeavouring to obtain the names of Gentlemen willing to serve on the Committee. He had succeeded in getting the names of thirteen Gentlemen, who had allowed him to place them on the Committee. The name of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had been placed on the Committee without asking his permission, because, considering the position which that right hon. Gentleman had occupied in the debate as the authorised representative of the Bishop of Bath and Wells, he (Mr. Horsman) had thought that the name of the right hon. Gentleman ought to be placed on the Committee, and that, in case he should have any objection to serve, he should state his reasons to the House, and not to himself (Mr. Horsman). The hon. and learned Gentleman the Member for the City of Oxford (Sir W. P. Wood) was the only one to whom he had applied who had refused to serve. Two of the Gentlemen whom he had named in his list had been struck out, and others substituted, by the Government. He stated these facts only to show that every pains had been taken by him to have the Committee nominated, and thus enable it to commence its inquiries. On the Thursday he moved the nomination of the Committee, when a difficulty was raised by the Secretary of State for the Home Department, and his attempt to nominate the Committee was defeated. On the following Monday he brought down to the House a complete list of fifteen Gentlemen who had agreed to be nominated. He must say that from the Government he had experienced no difficulty. They had felt it their duty, in the first instance, to deprecate and resist the inquiry; but when it was given against them they had shown no disposition to offer further impediment. A difficulty, however, had been interposed by the right hon. Gentleman the Member for the University of Oxford, who made a proposal that, when the Committee was nominated, he (Mr. Horsman) should be ordered by the House to lay upon the table certain articles of charges. Even after this notice the Government had been ready to allow him to proceed with the nomination of the Committee, provided there was no likelihood of the right hon. Gentleman's Amendment leading to a long debate. But the right hon. Gentleman told the House that he should preface his Amendment by a long speech, and the Government were obliged to take their measures accordingly, and stated that they were prepared to agree to his (Mr. Horsman's) Motion, but that they were not prepared for the right hon. Gentleman's long speech. Consequently, that had been the impediment to the nomination of the Committee. He would now explain to the House why he could not agree to the suggestion of the right hon. Gentleman. His reason was that he felt it to be one which he had no right or power to assent to. The right hon. Gentleman well knew that there was no precedent for laying heads or articles of charges on the table of the House in any case where an impeachment was not intended. If that was the case, what did the proposition of the right hon. Gentleman amount to, but this—that his (Mr. Horsman's) Motion had been made, and the votes of the majority given, with the view to the impeachment of the Bishop of Bath and Wells? As regarded himself, it did not matter very much if the right hon. Gentleman put such a construction on his Motion or vote; but it was manifest that he (Mr. Horsman) had no right, by assenting to that suggestion, to connect the 156 Gentlemen who had voted along with him with the intention of an impeachment. Not a single Member of those 156 Gentlemen believed or intended that their vote should lead to an impeachment, and consequently he should act unbecomingly towards them if, knowing that there was no precedent on this subject, he had laid on the table heads or articles of an impeachment against the Bishop of Bath and Wells. He had thought that the right hon. Gentleman ought to state to the House his reasons for the Motion he wished to make; and whatever might be the decision of the House, to it he (Mr. Horsman) would cheerfully bow. As far as he was himself concerned, the drawing up of heads of charges would have much facilitated his task; and, indeed, the moment that he learned the right hon. Gentleman's intention, he did draw up the heads of charges, which he brought to the House in his pocket; and if the House had decided that he should present them, he should have had no objection. But a second reason why he ought not to assent to the right hon. Gentleman's suggestion was, that it would have established a precedent which the House ought gravely to consider; because if it were once ruled that a complaint was not to be made against a Bishop, to be followed by an inquiry, without that inquiry being held to be tantamount to an impeachment, then it would come to this—that if in the next Parliamant some hon. Member brought a complaint against the Bishop of London or the Bishop of Exeter, or a third Bishop, in every one of these cases, if they once established this precedent, the question would arise whether they could proceed in any mode than by an impeachment. He (Mr. Horsman) had stated at first that if the Committee should be appointed, one whole week would have been sufficient to establish all the allegations he had made; but still at this late period of the Session he felt that the public business was in that position that there was no probability, within the next two or three days, of his obtaining an opportunity of nominating the Committee. He, therefore, thought it fair at once to state to the House, and to the right hon. Gentleman, that in consequence of the difficulties that had been thrown in his way, he did not now feel it his duty to proceed moving for this inquiry. But in making that announcement there was one explanation due to the Gentlemen who had voted with him in the majority. They had all been placed in a very false position with respect to the Bishop. The most serious allegation that he had made against the Bishop related to the *animus* with which he had acted towards the parishioners of Frome—namely, that they entered into a correspondence with the Bishop, and yet that the right rev. Prelate took his own measure to hurry on the institution of Mr. Bennett, and endeavoured to anticipate the parishioners, and defeated their lodging a *caveat* by anticipating them. That was the most palpable, and in his mind the most discreditable, part of the whole proceeding. The right hon. Gentleman below him (Mr. Gladstone), who had studied the law of the case well, and knew all its points, took no legal objection to the statement which he (Mr. Horsman) made; and it was only later in the debate that the hon. and learned Member for the city of Oxford (Sir W. P. Wood) got up and made a statement of the law of the case which had a very powerful effect, and influenced the votes of many hon. Members. It was a statement which surprised him exceedingly at the time; but the House gave implicit credence to it. He (Mr. Horsman) would now show it was entirely erroneous. He was interested in showing this, because were it otherwise the allegations he had made would have been very unjust towards the Bishop of Bath and Wells. He personally knew nothing of the law on the subject; but before coming forward to state a case in which so large a number of legal questions were involved, he had taken the precaution of preparing himself with the opinions of two high authorities in Doctors' Commons, to which the House would bow, and he now held those legal opinions in his hand. But first he should observe that the statement of his hon. and learned Friend, which he would read in his own words, was as follows:—

> "Formerly bishops had five months allowed to inquire into the fitness of the clerk—that was a large portion of the six months—and according to the canons as they now stood the bishop had only twenty-eight days allowed for inquiry, and after that time he might be proceeded against by the patron for non-institution of the clerk. Now what were the facts of this case? The bishop did not institute until the twenty-sixth or twenty-seventh day. Then what became of the charge of indecent haste?"

Now, the impression that that statement had made upon the House was, that the Bishop was bound to institute Mr. Bennett within twenty-eight days after the presentation. He (Mr. Horsman) answered that the language of the 95th Canon was merely directory, and not prohibitory, and that it was held in the Arches Court, in the case of *Gorham* v. *the Bishop of Exeter*, that the Bishop was not bound to commence the examination of the candidate for institution within the canonical twenty-eight days, but simply that after the lapse of that interval he was called upon to assign his reasons for delay. The decision on that point was not impugned by the appeal to the Privy Council; and the only limit to the time allowed to the bishop for institution, according to the canonists, was six months; and that limit was put in order that the right of patronage might not lapse. Now, the first opinion that he had taken, upon a case drawn up by himself, was that of Dr. Twiss. The case was as follows:—

> "The late vicar of Frome died on the 26th of December, 1851; Mr. Bennett was presented (say) the 29th of December following. Was the Bishop bound to institute him so soon as the canonical twenty-eight days had run out?—Or, how long might he have lawfully delayed institution?"

Upon that case Dr. Twiss had pronounced the following opinion:—

> "The Bishop is not bound to institute a presentee to a benefice as soon as the canonical twenty-eight days have run out. The canon is directory, and it was held by the Arches Court in the case of Gorham *v.* the Bishop of Exeter, (2 *Robertson's Reports*, p. 28), that the bishop is not bound to commence the examination of a candidate for institution within the canonical twenty-eight days, but that the meaning of the twenty-eight days in the 95th Canon is, that after that interval the bishop may be called upon to assign a reason if he delays to institute. The decision of Sir Herbert Jenner Fust on this point was not impugned before the Judicial Committee of the Privy Council. It is also settled law (*Hobart's Reports*, p. 317) that a bishop may take competent time to examine the sufficiency and fitness of a presentee to a benefice, and he is not bound to institute him until he is satisfied of his fitness. Six months is the only limit mentioned by canonists, within which the examination must be concluded, so that the right of patronage may not lapse. In the case of Gorham *v.* the Bishop of Exeter the presentation took place on November 2, 1847, and Mr. Gorham formerly applied for institution on November 8; but the Bishop did not commence his examination of Mr. Gorham as a candidate for institution until the 17th day of December, after the canonical twenty-eight days had expired. The Court of Arches held, overruling Mr. Gorham's protest, that such delay was not improper on the part of the Bishop, although attended with inconvenience to Mr. Gorham. (Signed) "TRAVERS TWISS.
> "Doctors' Commons, June 16."

The second opinion which he took on the same case was that of Dr. Phillimore. It was rather longer than the first, but he would read the last paragraph:—

> "I am of opinion, however, that it is competent to the Bishop to institute the clerk at any time within the six months after the presentation so as to avoid a lapse; for the words of the 95th Canon are directory only, and not prohibitory, and have so been adjudged to be. And I conceive, in the event of a *caveat* having been entered, a bishop (although the common law takes notice of it) would not consider himself bound to institute within the twenty-eight days, if the proceedings consequent on the *caveat* commenced during the twenty-eight days extended beyond that period.
> "ROBERT PHILLIMORE.
> "Doctors' Commons, June 18, 1852."

These were the opinions which he had taken, and which indeed he was told it was scarcely necessary to take, so clear was the law upon the point. He (Mr. Horsman) dwelt on this point the more, because having advisedly brought so strong and deliberate a charge against the Bishop, if it had been shown by his hon. and learned Friend that the Bishop was bound to institute within twenty-eight days, and that so far from showing indecent haste he had postponed the institution till the end of the twenty-eight days, he (Mr. Horsman) would in that case have been highly censurable for his ignorance of the law and for the statement he had made. The case of Gorham *v.* the Bishop of Exeter was the most remarkable ecclesiastical case that had occurred of late years. It raised this very point; and as Sir H. J. Fust's first decision on the subject was so very clear, short, and unmistakeable, that even a child could understand it, he would read it to the House:—

> "He apprehended that he was asked to pronounce that the Bishop had no right to commence his examination after the twenty-eight days; but it seemed to him quite impossible that he could so construe the canon. He apprehended that so far as the Bishop was concerned, the canon was directory. No prohibitory words confined him within the twenty-eight days, and he thought it would be contrary to reason that they should be so restricted. Being of that opinion, he must overrule the objection that the Bishop of Exeter had no right to enter into the inquiry after the twenty-eight days."

He was, therefore, surprised that the hon. and learned Member for the City of Oxford, so high an authority as he was upon all legal questions, should have fallen into so manifest an error in the statement of the law of this case which he had made to the House. He (Mr. Horsman) had now only to state that he did not think that at present he ought to endeavour to pursue this inquiry. He certainly could not do so without expressing his sense not only of the intrinsic importance of the subject, but of the importance which had been given to it by the proceedings of that House, and by the vote which it had come to. He could only say that, taking the part which he felt it his duty to take on these ecclesiastical questions—being himself a member of that Church in which, along with the majority of that House, he had been educated and brought up, and from which he had never for a moment swerved either in his allegiance or his attachment—he could not but feel that it was impossible to overrate the importance of the vote which the House came to the other evening. The inquiry for the present might be defeated, but the result of that vote it was impossible to defeat. It was an indication of the feeling of that House, and of the feeling of the country represented by that House, from which it was impossible to escape. The country had been told, in a manner not to be mistaken, that whatever abuses or offences there might be, however exalted the offender, there was a Parliamentary tribunal to take cognisance of, and to inquire into, them. This was amongst the last, and by far the most important, of the decisions which had been come to by the present Parliament. It was a judgment deliberately recorded, and bequeathed as a legacy to future Parliaments. It was a precedent established, which he thought succeeding Parliaments would bear in mind. He believed that few decisions of that House had been more considered by the country, or had given the country more satisfaction. He was sure that the attention of Parliament having been aroused to one great scandal in the Church, which had been increased and aggravated by the impunity which it had hitherto met with, that they had now given a promise to the country that that scandal would in future be redressed. They had now given warnings to others that that impunity would no longer be continued; and that whenever a case of grievance could be alleged, such as it had been his duty to bring before the House, it was now established by a vote of this Parliament, and would be confirmed, he trusted, by the votes of coming Parliaments, that there was a tribunal which would inquire into those grievances, and would redress them.

Mr. GLADSTONE: Sir, the "few minutes" which the hon. Gentleman announced as the limits of his observations have expanded in his hands into a speech of tolerable length, and a speech containing as much criminatory matter as the hon. Gentleman has found it convenient to introduce. The hon. Gentleman has referred to-night to as much of his charges against the Bishop of Bath and Wells as he thought would bear repetition. He has reminded us to-night that he charges the Bishop of Bath and Wells with having shown undue haste in instituting Mr. Bennet; but I must recall to the House and to the hon. Gentleman the full extent of those charges; for the hon. Gentleman did not merely charge the Bishop of Bath and Wells with undue haste in performing a legal act—he charged him with a deliberate violation of the law in not subjecting Mr. Bennett to due examination, in receiving him without the usual certificate, and in instituting him with indecent haste and precipitancy, contrary to the usual method, for the purpose of defrauding the parishioners of their just and legal rights. What has been shown in reply? It has been shown that the Bishop did examine Mr. Bennett, and if he had not examined him he would not have broken the law; he might have been unwise in the exercise of his discretion, but he would not have broken the law, if he had not examined him. He, however, exercised his discretion wisely, and did examine him. [Mr. Horsman dissented.] The hon. Gentleman did receive the evidence of a Member of Parliament in his place, that the Bishop did examine him—he received that evidence of the fact. I made that statement, and I invite the hon. Gentleman to challenge it if he pleases. The Bishop did examine him—the Bishop did receive the usual certificate—the Bishop did use no undue haste. I leave it to the hon. and learned Gentleman the Member for the City of Oxford to meet the point of law which the hon. Gentleman has raised. What I said was, that the proceedings of the Bishop, so far as time was concerned, were precisely in the usual course. That usual course is, that when all the papers are completed which are necessary for the presentation, the legal right of the presentee takes effect in the act of institution; and what I urged was this—that the Bishop of Bath and Wells, as a judge set and bound to administer the law, is not authorised to deny or delay those proceedings in consequence of any informal extrajudicial step that may be taken by parties opposed to the institution. What would you say of a Judge in Westminster Hall who, in consequence of private representations made to him by parties who declined to take upon them their just responsibility—suffered his acts in administering the law to deviate one hair's breadth from their ordinary path? Now, that is exactly the case of the Bishop of Bath and Wells. Those letters that were addressed to the Bishop were no authorisation for him to alter or modify his course of action. The hon. Gentleman says that the Bishop played with the parishioners, in order to entangle them into a correspondence. He did no such thing. They sent a letter to him, requesting him to refuse institution, and he returned to them a plain answer, to say that he had satisfied his own mind on the legal questions involved, and that therefore he positively declined to refuse institution. He did not evade the point. On the 15th of January he told them that he declined to accede to their petition. They did not choose to avail themselves of the means which the law afforded them; and the Bishop waited till the papers were completed which constituted the legal right of the presentee; and those papers having been completed, he felt that he had no more right to delay than he had to deny, and the institution went forward in the regular and legal course. But the hon. Gentleman is not satisfied with vindicating himself for withdrawing the nomination of his Committee, but he throws upon me the responsibility of interfering with that nomination; and I regret that he should have forced me to follow him through this discussion. For when he gives the House to understand that I impeded the nomination of the Committee by adopting an unusual and unprecedented proceeding, he compels me, under the circumstances, to say that my proceeding is not opposed to, but, on the contrary, is conformable both with precedent and with justice; my endeavours were to confine the hon. Gentleman to a precise and definite statement of his charges against the Bishop. And this compels me to express my deep regret, partly on account of conformity with precedent, but still more on account of conformity with the plainest dictates of justice, that the hon. Gentleman unfortunately did not adopt the course that I suggested to him, or that, when he unfortunately did not adopt that course of his own accord, he did not adopt it on the suggestion of another. Let us consider for a moment the position of this House. Here we are in number between 650 and 660 Gentlemen, elected by some two or three hundred different constituencies—a body containing necessarily amongst ourselves the greatest variety of character, capacity, and sentiment—and there is not a single one of us who has not authority to make any charge whatsoever that he pleases against any subject of Her Majesty; he may make any charge he pleases, and lay it on the table of the House of Commons, without incurring any personal responsibility whatever. Now, I ask the House to consider what a tremendous power it is that we thus wield—what a power upon public opinion—what a power for the destruction of private character—and such a power of accusation totally unchecked by all those legal checks and restraints which in all other cases curb and check those who are disposed to vituperate and calumniate. Now I want to know what there is to restrain us, unless it is the steady adherence to one invariable rule on the part of this House, that it will never entertain (and so far as I am able to discover it has ever, even in the worst times, refused to entertain) criminative charges, except upon the ground of some distinct and definite basis, so that the party, if he has no remedy from false accusation, has it at least in his power to point to something and say, "That it is of which I was charged—that it is of which I was acquitted." Now, what does the hon. Gentleman say? That he made a charge which he did not intend to be an impeachment. Let the House bear in mind the case which the hon. Gentleman says he did not intend as an impeachment. I say that if he felt that he could prove the charges, in his attempt to make good which he had broken down, then it was his duty to impeach the Bishop of Bath and Wells. And if he did not intend to impeach the Bishop, then it only shows that the hon. Gentleman did not understand his own charges, or that he did not understand the obligations which belong to him as a Member of this House. I say that if an individual in the position of a Bishop, a Peer of Parliament, and a great officer of State, wielding great spiritual and temporal power, and empowered to administer a jurisdiction and functions strictly judicial—for that is the constitutional aspect of the case—if such a person is charged with a distinct violation of the law, committed, as the hon. Gentleman has alleged, with the corrupt motive of depriving and defrauding the spiritual subjects over which he exercises spiritual oversight of their just and legal rights—Sir, if there be any case for impeachment, that is a case for impeachment. But the hon. Gentleman does not see the real position of this House. He says the House is a tribunal to take cognisance of abuses. Sir, what abuses? Why the hon. Gentleman entirely assumes that he has shown the existence of abuses; on the contrary, all his charges have vanished into thin air. He knows perfectly well that the case against the Bishop of Bath and Wells has utterly broken down. I tell the hon. Gentleman—what the people of England have not learnt for the first time from his mouth—what are the fundamental principles and practice of the House of Commons. It has not been reserved for the year 1852 to teach the nation that this House is the great inquest for the grievances of the people; that this House is ever ready to entertain the complaints of the people against public functionaries and officers of State; and that it regards it as one of its most important privileges to entertain them in the manner which the constitution prescribes. That, Sir, is no new discovery. But I believe that the hon. Gentleman must have learnt that this House has never shown itself willing to entertain charges of this grave nature, made in a manner so irresponsible, and with such manifest indications of an inclination to avoid putting them forward in a definite shape: if it were ever to pursue such a course as that, this House must become the refuge for licensed libel and defamation, because we should relieve ourselves from that restraint which the wisdom of our ancestors and the constant practice of Parliaments have imposed, namely, that in whatever we do of a criminative character we must always proceed on a defined basis, so that the man who has been attacked and charged will know, and be able to let others know, of what he has been accused, whether he be found guilty or acquitted. Now the hon. Gentleman is entirely wrong when he says there is no similar case of articles being exhibited to this House except with the view to an impeachment. I do not stand upon that alone. I find, from what he says, that he did not intend to prefer an impeachment. I say that he ought to have intended to prefer an impeachment, if he believed in the truth, as I must suppose he did, of the charges which he thought proper to make. But the hon. Gentleman is wrong. As he is wrong in his views of the principles of justice, so he is wrong in regard to the practice of this House. In the first place, I do not stand on the ground that whenever any Member makes a complaint against any public officer it is invariably his duty to produce definite articles, or heads of his charges; what I say is, that invariably, when any Member has brought forward charges of a criminative character, the House has always proceeded upon the definite basis of a written document. I believe, however, that there is one class of exceptions to that. I believe, if I recollect rightly, that in such a case as the accusation of the levying of ship-money in the reign of Charles I., where the matter of complaint was perfectly notorious, the House entertained the question, and very properly proceeded at once to an impeachment. But, barring the case where the facts are so notorious as that, the House always proceeds upon something of a defined and documentary character. Sometimes it proceeds upon a petition. If an hon. Gentleman presents a petition, I do not mean to say that he is always bound to exhibit articles of charge. Sometimes, again, criminal matter has arisen accidentally, and *obiter* on public questions. The Commissioners in the case of Sir Jonah Barrington reported to the House that they had accidentally come across matter highly criminative with regard to him; and in the case of Lord Melville the conduct considered to deserve impeachment was disclosed in the course of the inquiry of a Commission. In these cases, Sir, the documents of the Commissions formed the basis of the charge. The House was in a condition to proceed upon something that was understood and known, and the party who was charged had at all events this security, that although he could not punish those who might think fit unjustly to accuse him, yet he could vindicate his own character, because he could point to the charge and say, "This was the charge made against me—this was the charge of which I was found not to be guilty." But the hon. Gentleman says that these charges have never been exhibited—and this is his great case—except where an impeachment is intended; and that therefore I, by making this unprecedented proposal, have interposed illegitimately an obstacle to the nomination of this Committee. Now, he is perfectly wrong, as far as the Journals of the House go. There are many cases where there is no evidence to show whether it was the intention of the House to impeach or not. That must depend on the course which the examination takes, and the evidence that is adduced in the course of it. It may end in an impeachment, but it does not follow that an impeachment has been contemplated from the beginning. Then, again, the hon. Gentleman is wrong, because he seems to think that an impeachment entirely depends upon the decision of an individual Member of this House. It is no such thing. I understand it is a resolution of the House of Commons that orders an impeachment; and if it is said that a private Member ever impeaches, it is only a vagueness and looseness of expression. An individual Member does not impeach—no; but what the House does is this—it ties an individual Member's hands who brings a charge before it, and requires him to lay on the table of the House some form or other of a defined and written basis of what he means to charge. And although I have not got the Journals by heart, I will give the hon. Gentleman a clear proof that his doctrine is erroneous—that written charges are not given by a Member who has no intention to make an impeachment. I wish the hon. Gentleman to study the precedent I am about to quote, and to get it by rote before he brings forward his next case of this kind. I refer to the case of the Bishop of Worcester, which is reported in the fourteenth volume of the House of Commons' Journals, page 37. The House would judge whether or not it bears out my statement, which is this—that written charges ought to be exhibited, if no impeachment has been professed; or, as the hon. Gentleman says, that there is no precedent of written charges being given in unless where an impeachment was intended. [Mr. HORSMAN was here understood to remark that evidence was taken at the bar in the case cited by the right hon. Gentleman.] The entry on the Journals in the case of the Bishop of Worcester in the year 1702 was as follows:—

> "CASE OF THE BISHOP OF WORCESTER.
> "Journals, xiv. 37.
>
> "1. Nov. 2, 1702.—A complaint being made to the House by Sir J. Packington against the Lord Bishop of Worcester and Mr. Lloyd, his son, relating to the rights and privileges of the House of Commons: Resolved to consider the same on November 18.
>
> "2. Nov. 18.—The House proceeded to take into consideration the complaint of Sir J. Packington.
>
> "3. Then follows the charge in writing.
>
> "4. Then witnesses examined at the bar.
>
> "5. Resolutions:—1 and 2. Charge made out. 3. Conduct malicious, unchristian, arbitrary, in high violation of the liberties and privileges of the Commons of England. 4 and 5. Address to Her Majesty to remove the Bishop of Worcester from being Lord Almoner to Her Majesty.
>
> "6. Nov. 20.—Answer: Agrees to do so.
>
> "7. Thanks."

When the charge against the Bishop was taken into consideration, Sir J. Packington presented written articles, and there was not the slightest pretence or intention to impeach the Bishop. It did not end in an impeachment—the end of that case was that the House addressed the Crown, praying the Crown to remove the Bishop of Worcester from the office of Lord Almoner. [See *Hansard, Parl. History,* vol. vi.] The hon. Gentleman says that evidence was taken at the bar. Certainly it was. And what in the world has that to do with the matter? Sometimes the House takes evidence at the bar in Committee of the whole House, and sometimes it delegates that duty to a Select Committee; but I want to know, how can that have any possible bearing on this question? Nay, more; I say that if it is necessary for this House, or if it is the practice of this House, to require written charges when evidence is to be taken at the bar, much more is it necessary to have written charges when, instead of taking evidence at the bar, the evidence is to be taken before a Select Committee. Because when taken at the bar of this House it is taken in the face of the world; and whatever happens to a man who is the object of the accusation, at least he has this security, that the attack made upon him is carried on and brought to an issue in public, and the Members of this House would be ready and able, if they thought fit, to do justice in such a case. But when you refer a case of this kind to a Select Committee, a small number of Members are chosen, and under the peculiar circumstances the House may be acting not in the face of the public. If this security is necessary, then, when the whole House acts, much more is it necessary when the proceeding is not taken before the bar of the House, but before a Select Committee. This, therefore, appears to me one of those mean, technical, and immaterial distinctions which does not in the slightest degree touch the principle involved — the principle that, whenever criminative matter is adduced against a party, the House refuses to proceed, except upon the basis of written documents, unless the facts are admittedly notorious. That is the principle which I lay down, and on which I challenge the hon. Gentleman to meet me. Under that principle, it is plain that I no more required the hon. Gentleman to proceed on the grounds of precedent than on the grounds of justice, when I proposed that he should write out the charges which he proposed to make. It is in vain for the hon. Gentleman to say that he does not intend impeachment. I say that the matter of his charge would warrant, would justify, would require impeachment; some other Member might have taken the case out of the hon. Gentleman's hands, and might have brought forward an impeachment; it was the hon. Gentleman's duty to proceed as if an impeachment would be the result. But, whether that be so or not, I have shown the House that even in former times, when the principles of liberty were far less understood than they are at the present moment, the practice has always been to afford an accused party this reasonable and moderate shelter: that though he has no remedy against an unjust and a cruel accusation brought against him in this House, yet he has this defence—that vague charges will not be allowed to go before a secret and select Committee for the purpose of fishing for information, for the purpose of keeping back that which it may be inconvenient to produce—that this House will not act upon a principle which, I tell the hon. Gentleman, is more worthy of other and more southern countries than of the free meridian of this country of England in which we live. I deeply regret that circumstances have prevented the hon. Gentleman from proposing his Committee, and me from bringing forward the Motion which I am certain the House would have adopted, and compelled him to exhibit articles of charge against the Bishop of Bath and Wells.

MR. HORSMAN rose to explain. The right hon. Gentleman appeared to place great reliance on the case of the Bishop of Worcester. In that case Sir John Packington complained of the Bishop's interference at an election; and he, without having been ordered by the House stated that he had drawn up in writing those heads he undertook to prove at the bar. The term "articles of charge" was never mentioned throughout the case.

MR. GLADSTONE said, he would not quarrel with the hon. Gentleman about the words "articles of charge." The hon. Gentleman might call it whatever he pleased; but what he Mr. Gladstone) stood upon was this—the principle he had established was this, that a Member of this House accusing a great officer of State of an offence against the law was bound to put his accusation into a definite and written form—that that was the principle and practice of the House of Commons, and, he would venture to add, the principle of universal justice.

SIR WILLIAM PAGE WOOD said, that as the hon. Member for Cockermouth had cast the grave imputation upon him of having made a statement regarding the law which he said had misled the House, perhaps the House would excuse him for a few moments while he explained what he did state and what was the law of the case, as he intended at least to lay it down on the previous night, and as he thought he had laid it down. As they had been promised that this inquiry would be renewed in a future Session, he would not say a word on the main question, but would confine himself to this particular point. What he said was, that the Bishop of Bath and Wells would have subjected himself to a *duplex querela* if he had refused to institute Mr. Bennett after twenty-eight days; but he never said that the Bishop could not institute after the twenty-eight days had expired. He said that for twenty-eight days the Bishop was protected—that he was allowed that period to satisfy himself, by examination, as to the fitness of the clerk by the provisions of the canon—and that though the canon would not protect him from a *quare impedit* at common law, because the common law did not recognise the canon, yet even the common law allowed the Bishop a reasonable time for examination. But he also stated that so jealous was the law of the position of a Bishop as being both a Judge and a party interested—as having the power to present in case of lapse—that though two months were formerly allowed for inquiry and examination, yet that time was now circumscribed, and the canon allowed only twenty-eight days for the inquiry. He did not say that the Bishop could not institute after the twenty-eight days were expired. What he said was, that if he wished to protect himself from the costs of an action, he must institute within the twenty-eight days. If, indeed, the parties had exhibited a *caveat*, and thus taken the burden upon themselves, and relieved the Bishop, then the institution might have been delayed beyond the twenty-eight days at the responsibility of the parties. With regard to the common law, it was true that it did not recognise the canons; but, as he had said, a reasonable time was allowed for examination, and so early as the 14th year of Henry VII., when a complaint was made against an Ordinary, because he had commanded a clerk to come to him "afterwards" to be examined, the Ordinary being then engaged in other business, the opinion of the Court was that that was a good plea on the part of the Ordinary. It was, also, laid down in a case in Sir Henry Hobart's Reports that a Bishop must be allowed a competent time for the examination of a clerk. Therefore, the case stood thus, that the common law allowed a reasonable time for examination, which the canons construed to mean twenty-eight days. But, no doubt, the common law as well as the canon law would require a reason for the Bishop delaying institution beyond the twenty-eight days. The parishioners might have protected the Bishop, if they had thought fit, by entering a *caveat*, which would have strengthened the Bishop's hands in the case. The Bishop had no reason to ask them to do this before the twenty-eight days had expired, because he was safe up to that time. A part of the hon. Member's charge against him was, that he had made a statement of law diametrically opposed to a judgment recently delivered and universally known. He had done nothing of the kind. There was not a word in the judgment referred to which militated against the statement he had made to the House. The hon. Gentleman had referred to the Gorham case. Now, in that case Mr. Gorham set up the plea—I have been examined, but my examination is a nullity, because I was examined after the twenty-eight days' were expired. Sir Herbert Jenner Fust characterised that plea as monstrous. He said that Mr. Gorham might have raised a *duplex querela* after the twenty-eight days were expired, to know why the Bishop had not examined him before; and the Bishop would then, no doubt, have set forth his plea that he had been engaged, *circa curam pastoratam*—about other public business. If, however, such an action had been raised against the Bishop of Bath and Wells he could not have pleaded that he had not had time to examine him; because he actually had examined him, and the only plea he could have urged would have been the charge of heresy, or some unsoundness of doctrine. He asked, then, what became of the charge of indecent haste against the Bishop? The whole subject-matter of his statement, then, was this: That the parties had no right to throw upon the Bishop a duty which was theirs—to force him to prove what they were bound to prove—to force him to litigate what they were bound to litigate—and that, too, in a manner that would have left him utterly defenceless in a *duplex querela*, and would have subjected him to the payment of all costs. That principle was laid clearly down in *Burn's Ecclesiastical Law*, vol. i., p. 162:—

> "If the cause alleged by the Bishop be not proved, the Judge pronounceth as before for his own jurisdiction, and the Bishop is to be condemned in expenses."

That was the position which he maintained throughout his observations on a former night. Now, in making these statements he had no complaint to bring against the hon. Gentleman. He had given him (Sir W. Page Wood) notice of the charge he meant to bring against him, and he was in the House to defend himself; but the Bishop was not present to defend himself, and therefore there was ground to complain as far as he was concerned. His hon. Friend said that the Bishop had amused his parishioners with correspondence, and had then snatched the institution before the parishioners could have time to apply for redress. Now, his hon. Friend had not produced a single letter in which the Bishop gave the parties the slightest hope that he would interfere. On the 15th of January, he explicitly told the parishioners he would not; and this was nine days before the institution. For his part, he believed that there was no intention on the part of any one to exhibit a *caveat*. If they had done so they would have found the consequences very unpleasant to themselves; and it appeared to him that what they wished was to throw those consequences upon the Bishop, which, he might add, in the Gorham case had cost the Bishop of Exeter between 3,000*l.* and 4,000*l.* He trusted the House would excuse this statement, as he had been called upon in a measure to do so by the imputations of the hon. Member for Cockermouth; and he challenged any hon. Gentleman in the House to dispute the principles of law he had laid down.

The CHANCELLOR OF THE EXCHEQUER: I trust no hon. Gentleman will attempt to impugn the propositions of the hon. and learned Gentleman at least till the next Session of Parliament. There is no issue before the House; and though I could not attempt to interfere with this discussion before, because both the right hon. Gentleman and the hon. and learned Gentleman were, in respect of their constitutional and legal principles, so personally assailed by the hon. Member for Cockermouth, that it was but fair they should be heard; yet I hope the House will now support me in pressing upon hon. Gentlemen this fact—that the privilege of speaking on the Motion for adjournment is one which ought to be used with some delicacy. It is impossible for us to attempt to carry on the business of the House, in the present state of affairs, unless hon. Gentlemen will consent to wave this privilege with respect to a question which has now gone by. I hope we shall now be allowed to proceed with the business of the day; but I must add, as it has been my somewhat painful duty to make this statement, I feel it also my duty to say that if the right hon. Gentleman's Motion had been brought forward, we should have felt it our duty on the principles of justice to give it our support. The hon. Member for Cockermouth has done ample justice to the conduct of the Ministry in constituting the Committee, and in the facilities we gave for the inquiry. It is now useless to refer to the past; but I may remind the House that the question of the law is still left in an unsatisfactory state, and that we shall consider it our duty to take into consideration, with a view to remedy, the grievances which are on all sides admitted to arise from the present state of the law relating to the institution of clerks to benefices.

Sir ALEXANDER COCKBURN would be very sorry to stand in the way of the House proceeding to the business of the evening; but, on the other hand, it must not be understood that his silence gave consent to the state of the law as laid down by his hon. and learned Friend the Member for the City of Oxford (Sir W. P. Wood). He dissented *in toto* from the construction which his hon. and learned Friend put upon the law; and, having said that, he would not add a word more.

Mr. NEWDEGATE must take this opportunity to clear up a misapprehension which prevailed widely with respect to the opinions of many of those who voted for the Amendment proposed by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), upon the Motion of the hon. Member for Cockermouth, and on that account were held to have voted directly against all inquiry into the circumstances connected with the institution of Mr. Bennett to the vicarage of Frome, because they concurred with the right hon. Member for the University of Oxford in expressing approbation of the conduct of the Bishop of Bath and Wells for instituting Mr. Bennett; and they were represented most falsely as having refused inquiry, with a view to prevent any steps being taken by the Government, and for the purpose of defeating legislative action, for the prevention of such abuses as the institution of men of unsound opinions to benefices of the Church of England. He (Mr. Newdegate) begged distinctly to state that he participated in the disapprobation of the institution of Mr. Bennett which had been expressed by the majority of the House; but he preferred the Amendment of the right hon. Gentleman the Member for the University of Cambridge to the Motion of the hon. Member for Cockermouth, because he desired that the law respecting institution to benefices should be altered, which was the object of the Amendment, but not of the original Motion. In his opinion, the Bishop of Bath and Wells had exercised a most unwise discretion when he instituted the Rev. Mr. Bennett to the vicarage of Frome; but he knew that in so doing the Bishop had acted in accordance with the latitude of discretion allowed him by law, and was not therefore legally culpable; and he (Mr. Newdegate) voted for the Amendment with a view to amend the law, in preference to the original Motion; because, however sincerely he deprecated the manner in which the Bishop had exercised the discretion allowed him by law, he did not wish to see that House constitute itself a court of appeal in ecclesiastical cases, or arbitrarily interfere with the legal exercise of the discretion entrusted to bishops in such matters, which would be clearly exceeding the legitimate functions of the House.

THE COUNT OUT—EXPULSION OF MISSIONARIES FROM AUSTRIA.

On the Question that the House at its rising adjourn till Monday next,

Mr. CHISHOLM ANSTEY rose, amidst loud cries of "Oh, oh!" to complain of the conduct of the Government in allowing the House to be counted out on the Tuesday night, when he had an important Motion to bring forward relating to the protection of Missionaries abroad, and to state that if the House were in existence on the 29th instant, he would press the Motion of which he had given notice. In the meantime, he begged to call the attention of the House to a despatch of the Earl of Malmesbury's, dated the 28th of April; but before doing this, he wished to ask the right hon. the Chancellor of the Exchequer why it was that the papers on the subject of the Missionaries, which had been promised two or three times, had not yet been laid upon the table?

The CHANCELLOR of the EXCHEQUER said, the papers had been printed for presentation at a time when the negotiations were supposed to be finished; but having been recommenced they were withheld. The negotiations were at length finished, and the papers would be presented on Monday, or certainly on Tuesday.

Mr. CHISHOLM ANSTEY said, he had given notice that on the 29th he would bring the whole subject before the House, but at present he only proposed to call the attention of the House to a small part of the question—a particular despatch written by Lord Malmesbury.

The CHANCELLOR of the EXCHEQUER rose to order, and would beg to ask Mr. Speaker whether it was competent for the hon. and learned Member, having given notice of a Motion for the 29th instant, to introduce it now.

Mr. SPEAKER said, the hon. and learned Member having given notice of his Motion for the 29th, it was against the rules of the House to bring it forward now. Unless, therefore, the hon. and learned Member was about to speak on a different subject, he was out of order.

Mr. CHISHOLM ANSTEY said, he would, of course, bow to the decision of the right hon. Gentleman in the Chair, but as he decidedly felt that there was no time like the present, he would not proceed with his Motion on the 29th, but would go on with it now.

Mr. SPEAKER: The hon. and learned Member will not put himself in order by taking that course. He has given notice of a subject for the 29th; by the rules of the House it is not possible for him to bring his question forward before the day for which he had given notice. It is not competent for the hon. and learned Member to say now that he will not bring it forward on that day in order to bring it forward now.

Mr. CHISHOLM ANSTEY would then take the opinion of Mr. Speaker whether the question he meant now to propose was the same as that which he had given notice of for the 29th. That proposition was to this effect: that the House recognised the duty of Her Majesty's Government to grant letters of protection to Her Majesty's subjects residing in foreign countries, and particularly to certain persons who had suffered wrong; and that the case of those persons demanded the serious attention of that House. What he proposed to do at present was to read a despatch from Lord Malmesbury, which referred to a small portion only of the main case, but which contained the principles that Lord Malmesbury had laid down for guidance in respect to such cases.

Mr. SPEAKER said, it appeared to him, as far as he could understand the hon. and learned Member, that he was now about to draw attention to a part of the question which he had already given notice of for a future day. He thought under these circumstances that the hon. and learned Gentleman was out of order.

THE WINE DUTIES.

Mr. CHISHOLM ANSTEY said, that whilst he had possession of the House he would put one other question. He understood from the newspapers that the right hon. Gentleman the Chancellor of the Exchequer had stated yesterday, in answer to the question of the hon. Member for Cirencester (Mr. Mullings), that he had read the evidence taken before the Committee of which he (Mr. C. Anstey) was Chairman, and that that evidence warranted him in taking a particular view of the matter. The question was, as to the expediency of the reduction of the duties on wine to a *minimum* amount. No publication of the evidence had taken place; it had not indeed been laid upon the table till to day. Was he (Mr. C. Anstey) right, then, in supposing that the whole proceeding was most irregular; that the hon. Member for Cirencester had no right to put the question; and that the right hon. Gentleman had no right to answer the question, with reference to a Report not then formally made to the House? The right hon. Gentleman the Chancellor of the Exchequer was reported not only to have made this premature reference to an unpublished Report, but also to have gone so far as to say that neither the present Government nor any future Government would be warranted in recommending to Parliament a reduction of the Duty on Wines. Was such a reference to a document not officially laid before the House proper in a Minister of the Crown?

The CHANCELLOR of the EXCHEQUER said, an hon. Gentleman had last night asked him whether he had heard of a rumour that it was the intention of the Government to lower the Duties on Wine to 1*s*. a gallon. That question was not put to him with reference to the evidence taken before any Committee; and in his answer he stated that he had not heard of the rumour—that it was not the intention of the Government to act according to that rumour—and that he trusted there never would be a Government that would act in accordance with it; but that opinion was not given with reference to any evidence whatever, though subsequently he did state that there had been a Committee on the subject. As the hon. and learned Gentleman (Mr. C. Anstey) had talked of the question being concocted between him and the hon. Member for Cirencester (Mr. Mullings), he begged to say that he was in error in that supposition. An hon. Gentleman connected with the City of London, of which he was one of the representatives, had intended to make the inquiry, and gave him notice that he would do so; but some circumstances with which he (the Chancellor of the Exchequer) was not acquainted, prevented that hon. Gentleman from following out his intention, and the inquiry was made by the hon. Member for Cirencester. In his reply he had expressed himself not very fully, but still he had stated very explicitly what the feeling of the Government was, because on all questions connected with commerce it was of importance that there should be no doubt or uncertainty. He stated that the Government had no intention whatever to make any alteration in the Duties on Wine, and that the great increase of consumption anticipated from a reduction of duty he thought exceedingly fallacious, and would require a complete revolution in the tastes and habits of the people of this country. He also said, that if it was in the power of Government to deal with a surplus revenue so as to permit them to reduce taxation, the Wine Duties were not among those imposts that they would be inclined to remit.

Motion *agreed to;* House at its rising to adjourn till *Monday* next.

CRIME AND OUTRAGE (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. VINCENT SCULLY said: Sir, I rise to oppose the second reading of this Bill, which was read a first time on Tuesday last, when it was asserted, on the part of the Government, that it was not a measure of a coercive or unconstitutional nature, but merely one of protection, and necessary for the repression of crime in some districts of Ireland. Now, Sir, I think I shall have no difficulty in showing to this House that the Act of 11 & 12 *Vict.*, c. 2, which this Bill proposes to continue for a period of two years longer, contains provisions of a most coercive and unconstitutional character, and which, in their practical effect, will rather facilitate, than prevent, the commission of crime. But before I enter upon the consideration of the measure itself, I wish to mention that there is a strong objection to its being entertained at all at this very advanced period of the Session, within a week or ten days of the expected dissolution of Parliament, and when many Irish Members are necessarily absent from London. This is a Bill which might have been brought in by the present Government at any time within the last three months; and I am quite justified in stating that this is not a period of the Session at which such a measure should be introduced. It comes before us wholly unaccompanied by any measures of a remedial nature; and from the time at which it, as well as another important measure—the Irish Valuation Bill—have been presented, they appear to have been purposely delayed, in order that the Irish Members should either be absent from the House, or for the purpose of detaining them in London, and thus facilitating the proceedings of those Derbyite candidates who are now occupied in canvassing Irish constituencies. Therefore, Sir, I say it is quite unfair to go into a measure of the kind at this period. Now, I contend that this is a Bill of a most coercive character, that it is utterly useless, and further that it is likely to have a most injurious effect upon the country. And here I may state, that there is not a Member of this House who would feel more truly anxious to support any measure which would be really calculated to protect the innocent, punish the guilty, and prevent the commission of crime and outrage in Ireland; and if I seriously believed, or entertained any hope or expectation, that this would have any such good effect, I should be the very last person to stand forward to oppose its progress. But having perfectly satisfied myself, from a careful examination of the measure, and from my own knowledge of Ireland, that its practical operation will be directly contrary to its professed object—that it will deprive innocent persons of the means of protecting themselves and their property, and will subject them to severe taxation on account of circumstances outside their control—and that it will also introduce the Whiteboy acts in a most oppressive form; I must for these reasons oppose the second reading of this Bill. Sir, being perfectly aware that the House is most averse in listening to any lengthened discussion at this period of the Session, and is especially impatient in regard to Irish subjects, I shall endeavour to condense my observations as much as possible; but at the same time I shall feel it my duty so to treat the subject that English Members may understand the true nature of the Bill which is now proposed to be made law. It appears on the face of it to be a very short Bill, comprised in a few lines, for the purpose of continuing the Act of 11 & 12 *Vict.*, c. 2. That Act was introduced by the late Government, immediately after the assembling of the present Parliament, and it was almost the very first Act placed on the Statute-book after the last general election. Is this expiring Parliament now going to conclude its labours by continuing for two years more an Act of a most coercive character? Hon. Gentlemen who voted for the Bill on its first introduction, may perhaps conceive they are bound now to support its renewal; but I would remind them that the circumstances under which they formerly voted have undergone a complete change, and that the occasions are wholly dissimilar. When the Act was first introduced, in December, 1847, it was regarded as one of a most coercive and unconstitutional character, and was considered to require a great deal of explanation before the House was induced to pass it; and they had been prepared for its introduction by a very remarkable Royal Speech, made on the 23rd of November, 1847, at the opening of the Session. Before the then Home Secretary, Sir George Grey, ventured to propose such a measure, he required a few passages from the Royal Speech, having reference to the then state of Ireland, to be read by the clerk at the table. I shall take the liberty of now mentioning those passages to the House. They were as follows:—

> "Her Majesty laments that in some counties of Ireland atrocious crimes have been committed, and a spirit of insubordination has manifested itself, leading to an organised resistance to legal rights.
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> "The Lord Lieutenant has employed with vigour and energy the means which the law placed at his disposal to detect offenders, and to prevent the repetition of offences. Her Majesty feels it, however, to be Her duty to Her peaceable and well-disposed subjects, to ask the assistance of Parliament in taking further precautions against the perpetration of crime in certain counties and districts in Ireland.
>
> "Her Majesty views with the deepest anxiety and interest the present condition of Ireland, and She recommends to the consideration of Parliament measures, which, with due regard to the rights of property, may advance the social condition of the people, and tend to the permanent improvement of that part of the United Kingdom."

Now, hon. Gentlemen will recollect that at the time that this Speech was delivered, the potato crops of Ireland had failed in that country for three years; famine was devastating the land, and without doubt Ireland was then in many respects in a much worse state than at the present time; and they will also remember that Ireland was then on the eve of that insurrectionary movement which gained its full maturity in the months of February and March, 1848—and at a time when rifle shooting was being extensively practised in the various parts of the country, including the city of Dublin itself. But, Sir, that was a state of things very different from that which now prevails; and I certainly did not understand the learned Attorney General to state the other evening that disturbances now exist in any part of Ireland, with the exception of one very limited district, which has recently been the subject of an inquiry before a secret Committee of this House, called the Crime and Outrage Committee. That district I understood to be confined to a small circle of country, about eight miles in diameter, situate on the borders of the three northern counties of Armagh, Monaghan, and Louth. I am informed that the evidence taken before the Committee was confined to this very small district, and that as a general principle they refused to examine any witnesses who were not connected with it. That district extended to only three counties, and only to a very small portion of those three. Sir, I am free to confess that if the Act had been proved to have worked efficiently in that district, it might furnish a fair ground of argument to the right hon. Gentleman to continue its operation there, until the reassembling of a new Parliament. But as to the past working of the Act in that particular district, I and those other Members who were not upon that Crime and Outrage Committee are almost entirely without evidence. All the information before us is confined to a Report of two short pages, and to a paper presented by Major Brownrigge on the 30th of April, 1852, from which the Attorney General for Ireland quoted largely in the course of his speech. Now, I would wish to call the attention of the House to this document. It contains a statement of the state of crime and outrage in certain counties—in the northern counties of Armagh, Monaghan, and Louth, and in the southern counties of Tipperary and Limerick. Upon reference to it I find the following comparative statements in reference to agrarian outrages in those five counties during the years 1844 and 1851:—

AGRARIAN OUTRAGES.

	1844.	1851.	Increase.	Decrease.
Armagh	5	96	91	—
Monaghan ...	20	48	28	—
Louth.........	5	73	68	—
Tipperary.....	253	134	—	119
Limerick	74	38	—	36

Then, Sir, on referring to those northern counties of Armagh, Monaghan, and Louth, which appear, from this return, to have lately become so much distinguished for agrarian crime, the Attorney General perhaps legitimately rested his argument on the increased number of outrages; but surely the diminution of similar outrages in the southern counties of Tipperary and Limerick, and the present tranquil state of other counties of Ireland, furnishes an equal argument for not subjecting them to the operation of this coercive and unconstitutional Act. If the increase of agrarian outrages supplies a good ground for continuing the Act as to some disturbed districts, the diminution or the total absence of those outrages is an equally strong argument for not extending it to other parts of Ireland. But, Sir, I understood the right hon. Gentleman to have stated when introducing this Bill that at the present moment the Act is in active operation in no less than twenty-one out of the thirty-two counties of Ireland. Well, if I am to understand that no less than twenty-one counties are now proclaimed under the Act, without regard to whether crime may have increased in those counties or not, that certainly is a state of things which appears to be most monstrous and most unjust. And though the measure may seem to be a very simple and quiet one, still, if hon. Gentlemen will take the trouble to look into it, they will find that it is a code of law even more coercive than the Bill which Sir Robert Peel introduced in 1846, although that Bill did contain what the right hon. Gentleman the Chancellor of the Exchequer has denominated the "curfew clause." Now, I will just state to the House the nature of the enactments which it is proposed to continue in Ireland for another period of two years. For though the right hon. Gentleman's leader in this House, the Chancellor of the Exchequer, seemed to consider that it should be continued only until the end of the next Session of Parliament, nevertheless, whether intentionally or otherwise, the Bill is so worded that it will last until the end of the following Session of Parliament of 1854. Now, I should like to know from the Government how long do they intend that the Act shall continue the law of the land? I will now explain the nature of the measure which the present Bill proposes to re-enact. The Act of 11 & 12 *Vict.*, c. 2, by its 7th Section, declares that after the day named in the proclamation every person who shall knowingly having in his possession any gun, pistol, or fire-arm, or any sword, cutlass, pike, or bayonet, or any bullets, gunpowder, or ammunition, shall be guilty of a misdemeanor, and be liable to two years' imprisonment with hard labour. Therefore, Sir, in any county to which the Lord Lieutenant may be pleased to extend the Act, any person found in possession of any weapon such as described may be prosecuted and punished in a most severe form. Again, the Lord Lieutenant has the power, under another section, to charge any district he may think fit with any number of additional police he may think proper. Now I will state to the House what will be the practical operation of these provisions of the Act wherever it may be put in force. The views which I entertain in regard to it are confirmed by the experience of persons best acquainted with the subject; and among others by the evidence of Mr. Major—whose character for high intelligence and local acquaintance with the county of Monaghan has been already mentioned to the House, and than whom I may add there would be no one more ready to give his concurrence to any measure for the suppression of crime, which he might consider calculated to effect that object. But from the passages which have been already read from the evidence of this gentleman, it is quite clear that his opinion is, that the Act has worked in a way directly the reverse from that which was intended. What are the results which have been found to follow from proclaiming a district under this Act? Why, that all peaceable and well-disposed persons give up their arms at once, while from those who are inclined to commit those outrages which it is intended to suppress, they are never got up at all; and the plain effect is, that all persons, except those few who may succeed in getting licenses to keep arms, are left exposed to attacks from every miscreant in the district, and are deprived of the necessary means for their own protection. Not only is he without the means of protection, but every murderer knows that he is so; and thus the man who meditates murder, who is usually a rank coward, and would never come to the house of a man known to be armed to the teeth, will not hesitate to attack the unfortunate person whom he knows to be in a defenceless state. I say that this Act will not have the effect intended, but that it will have a diametrically opposite operation, by preventing the well-disposed in each neighbourhood from being able to defend either themselves or their neighbours, when attacked by any ruffians who may infest the district. Were I living in such a district I should a great deal prefer to be allowed to arm myself and my household against all assaults, rather than see this Bill put in force for my protection by depriving me of the means of defence. Although, Sir, this may not be the view which may strike lawyers living in Dublin, or politicians living in London, yet it is that taken by many practical men living in the country districts of Ireland. The practical effect of the Act, then, is to expose the innocent man to attack, and when he is murdered the remedy is that a number of police shall be sent down to the district, and, perhaps, it is his unfortunate widow and children that are taxed for their support. It does not appear to me, therefore, that this Act can have any useful effect; for the cause and origin of these outrages lies in a totally opposite direction from that in which you are legislating. The land system lies at the root of the whole evil; and your mode of preventing these crimes should be to alter the land system, and place it on a proper footing. But the Act of the 11 & 12 *Vict.*, which it is proposed to renew, besides the clauses to which I have alluded, contains other provisions of even a more coercive and unconstitutional character, because it incorporates the provisions of the two Whiteboy Statutes of 15 & 16 *Geo.* III., c. 21, and 1 & 2 *Will.* IV., c. 44, and also enacts that in any proclaimed district it shall be unnecessary, upon any prosecution for an offence against those Whiteboy Acts, to show that the offence was of an insurrectionary character, or that the district was in a disturbed state. So that, *ipso facto*, by the very proclaiming of a district, all the clauses of those most obnoxious Whiteboy Acts not only come into immediate operation, but they take effect in the worst conceivable form. Now, it is important to observe that the first of those Whiteboy Acts was passed in 1775, a period when the whole of Ireland was disturbed by agrarian outrage. The Steel Boys, and Oak Boys, and other unlawful societies in the north, and the Whiteboys in the south, had convulsed the country. Parties went about at night turning up the land, which it is a matter of history had shortly previous been converted, to a great extent, from tillage into pasturage, on account of the rise in the price of cattle, owing to a murrain among cattle abroad. I will not detain the House by going through the clauses of that first Whiteboy Act, which are very numerous; but I will observe they are all of a most penal nature, and inflicted the punishment of death, which has since been altered into transportation. I shall, however, direct the attention of the House to the second of these Whiteboy Acts, passed in 1831. It recites the former Act, alters it in some respects, and then contains clauses of a most coercive and unconstitutional character, and which became absolutely atrocious by the effect of this Act of 11 & 12 *Vict.*, dispensing with all proof that the offence is of an insurrectionary nature, or that the district is in a disturbed state. [The hon. and learned Gentleman then read the 2nd and 3rd Sections of the Act.] It appears then, that by the joint effect of this clause and of the Act of 11 & 12 *Vict.*, any person who is declared guilty of any of the offences mentioned in this section, many of which in England merely rank with petty larceny, is liable to transportation for life, or for fourteen or seven years, or to be imprisoned for three years, and to be once, twice, or thrice publicly whipped. Under the Whiteboy Acts the Irish Judges always considered that before any person could be convicted, proof was necessary that the neighbourhood around where the act was committed was in a disturbed state, and that the act itself was of an insurrectionary character; that if a person were to take the goods of another, or to take his horse or mule without his permission, or to publish a notice tending to excite a riot, the mere proving of those facts would not suffice to convict him under the Whiteboy Acts. The 17th Section of the Act of 11 & 12 *Vict.*, abolishes the necessity of any further proofs being furnished in any proclaimed district of Ireland. The right hon. Gentleman, when introducing this Bill, had argued that it was desirable to continue the Act of Victoria on account of the approaching elections. His words were—

> "The Act was passed on the 20th of December, 1843, after a general election, when there had been a good deal of excitement in the country, and which he admitted had so far aggravated the amount of crime; but that was a circumstance that was not to be disregarded, for they were on the eve of another election, when much angry feeling might be expected. Were they, during the Parliamentary vacation, to leave the Executive without the power of repressing crime, and the peaceable people of the country and the property of the country without protection?"

It was the right hon. Gentleman's own argument, then, that this Act would prove most useful during the exciting period of an election. Indeed, I can conceive five hundred different modes by which a Government might make use of this Act during a general election; and, without attributing any such intention to the present Government, we know what has been done in former times by similar means. I certainly do think it is a most unwise and unconstitutional power to entrust a Government with at such a period. We know very well how very easy it might be, during the excitement of an election, to get up the cry that any particular district was in a disturbed state. What has been stated in justification of this Act? We have been referred to the old constitutional Saxon laws; and it is stated that the old Saxon laws mulcted the district where the crime was committed. Those laws have, however, been long since abolished; and they were ridiculed the other evening by the English Attorney General as quite obsolete. But, Sir, the law taxing a district on account of the commission of a murder within it, was a Norman law passed upon their conquest of the Saxons—when the latter were being kept down by the Normans, as the Irish are at the present day. It is perfectly well known that these laws were most oppressive to the Saxons. The fact is referred to in *Blackstone's Commentaries, Thierry's History of the Norman Conquest*, and in other writers. A heavy fine was inflicted upon the hundred where any Norman was killed, in order to prevent the habitual assassination of the Normans by the Saxon occupiers of the soil. In order to avoid this fine, the Saxons, whenever they murdered a Norman, took care to maim and disfigure him in such a horrible form as to render his identification impossible; and then the Normans made another law that the fine should be levied unless it could be proved to the satisfaction of a Norman jury that the dead body was that of a Saxon or Englishman. That was the well-known law of Englishmen, which was repealed about the year 1340—near three centuries after the Norman conquest. In the course of his speech, the right hon. Gentleman referred to a letter he had received from Sir Matthew Barrington, desiring a continuance of the Act. But what does that high authority state, in a letter published by him in the year 1852?—

> "From all the discussions in the Houses of Parliament, the evidence before Committees, the statements of the law officers on special commissions, and the opinions of all who have written on the state of Ireland from the year 1760 to the very last discussion upon the subject in the House of Commons, it will appear that the various disturbances were of a purely agrarian character, unconnected with any hostility to the Government, or with feelings of religious animosity.
>
> "Almost every outrage, if closely scrutinised, is traceable to the eviction of tenants, or the changing possession of land; and it is remarkable that almost all the persons prosecuted for agrarian disturbances are of the lowest class of the peasantry, and scarcely ever include a respectable farmer or person possessing any fixed interest in the soil. This I can state after an experience of thirty years as a public prosecutor on the largest circuit in Ireland, having, during that period, endeavoured to ascertain the cause of every outrage for which there was a prosecution."

There is a great deal of evidence in this letter to the same effect, showing Sir M. Barrington's opinion of the true cause of crime in Ireland; and he refers to a speech delivered by Sir Robert Peel in the House of Commons, in which he went through the various Coercion Bills which had been passed for Ireland since the year 1800. He refers also to a statement made by Mr. Goulburn on the same subject. Sir, in the year 1846, a Coercion Bill was introduced by the late Sir Robert Peel. That Bill did not re-enact the Whiteboy Acts. It did not contain those penal clauses which might be used as I have mentioned, nor did it contain such stringent clauses in other respects, with this one exception: it contained what was called the "curfew clause"—a most objectionable clause certainly, under any circumstances; but, more especially, where all measures tending to abolish the cause of discontent had been left untried. And what did the right hon. Gentleman opposite (the Chancellor of the Exchequer) say upon that occasion? Why, that he objected, not merely to the "curfew clause," but to the whole Bill. That speech, a short extract from which was read by the hon. Member for Athlone the other day, contained very many similar expressions on this subject; but the greater portion of it consisted in an attack on the Government of Sir Robert Peel, for the purpose of ejecting him from office. Upon that occasion the right hon. Gentleman strongly objected to the Bill being read a second time at such a late period as the 15th of June, although the House was to sit until the month of August. Well, Sir, if upon that occasion such objections were deemed good—if it was thought that such a measure should not be introduced upon the eve of a general election—why are they not to prevail upon the present occasion, and the more especially as the House will rise in a very few days, and we find we are to have none of those remedial measures which have been so often referred to? I know there has been a great deal of vague conversation upon the Treasury benches about the measures they intend to introduce. They say they have a Landlord and Tenant Bill; and the Chancellor of the Exchequer distinctly stated the other evening that it is actually prepared. Why, then, do you not produce your Bill? The right hon. Gentleman rides off on the ground that they would be unable to carry their measure this Session. But what can be their objection to laying it upon the table of the House? I know I am ready to offer every facility, as far as I am concerned, for their doing so; and I do not believe that any Member of the House would give them the slightest opposition. The hon. Member for Rochdale made the very same offer to the House so long since as the month of March last. On that occasion the Attorney General for Ireland told us that he contemplated the introduction of three Bills: by one he proposed to condense the various statutes relating to the law of landlord and tenant—by the second he meant to simplify the rights and remedies of landlord and tenant—and by the third to entitle the tenant to compensation for unexhausted improvements. He objected to the Bill of the hon. Member for Rochdale on the ground that it was of too complicated a character, and that any legislation on such a subject should be in a very simple form. If the right hon. Gentleman's Bill is a very simple one, and if, as had been stated, it is already prepared, why is it not at once laid on the table of the House? Near three months have now elapsed since I distinctly demanded the production of that Bill, when I had the honour of addressing the House for the first time, in support of the Bill of the hon. Member for Rochdale. Why do I press this subject? Because, really everything turns upon it. Is this coercive Bill to be accompanied or not by remedial measures that will go to the root of the evil? Until we can see the measures of the right hon. Gentleman, we are totally in the dark as to their real nature. There is a very wide difference between Ministerial promises and official performances. In the year 1846 the late Sir Robert Peel is reported to have expressed himself in these terms:—

> "It is the intention of the Ministry to introduce, before the close of the Session, several measures connected with the tenure of land in Ireland, giving to the tenants remuneration for permanent improvements, altering the ejectment process in favour of the occupants, and carrying out several recommendations of Lord Devon's Commission."

Those promises were never carried into effect. They bear a singular resemblance to the promises held out by Members of the Government at the present moment, immediately previous to the coming elections. If the Government consider that the measure, which they have so long promised, and which they now state is actually prepared, would be satisfactory to the country, they will not hesitate for their own sakes to produce it at once and lay it on the table of the House, in order to obtain the credit they would in that case be justly entitled to. But if, on the other hand, they withhold that Bill, the country can come to no other conclusion than that it is of an unsatisfactory nature, and that their promises are of delusive character. For the reasons I have submitted to the House, I feel called upon to oppose the second reading of the Bill, and shall conclude by moving that it be read a second time this day three months.

Mr. LAWLESS said, it was his intention to second the Motion, and to resist the passing of the Bill as far as he could. The policy of the present Government in Ireland had been that of deception, and that was the case with whatever they did there. He believed the Earl of Eglintoun to be sincerely anxious for the benefit of Ireland, and that no one could be a better Lord Lieutenant, so far as wishes went; but he was a victim to the impossibility created in other quarters of carrying out his good intentions. There was, he asserted, an agitation got up, and countenanced by persons under the Earl of Eglintoun, and connected with Government, to address the Lord Lieutenant for the liberation of Mr. Smith O'Brien; but, whether orders were sent over for England or not, the tone of the reply to that address took those who were most sanguine in the matter greatly by surprise. The Earl of Eglintoun held out all sorts of hopes, and made golden promises to the people in his speech at the Cork Exhibition; but the people were accustomed to such promises—they knew them to be all moonshine, and they would turn from that speech to the speeches of former Lords Lieutenant, promising railways, and all kinds of encouragement to Irish industry and agriculture. Was Government really doing anything to improve agriculture, or take the taxation off the land? Why, the only measure they knew of was a Bill for the extension of the Coercion Act, and it was the only measure likely to pass in the absence of the many Irish Members who had gone over to secure their seats for the ensuing Parliament. It was a singular coincidence that the present Premier had been Chief Secretary of Ireland in the Grey Government, under the Marquess of Anglesey, whose good wishes were often disappointed by his Secretary, who was thoroughly actuated by the desire for Protestant ascendancy, and choked all the Lord Lieutenant's efforts for the advantage of Ireland. Would the Bill, he asked the Government, be directed solely against Roman Catholic processions, or would it be extended as well to Orange demonstrations, which were more likely to arise now than ever, in consequence of an increase in the physical strength of the Orange party, and by the fuel of the Durham letter of the late Prime Minister, and of recent outbreaks, such as at Dolly's Brae? If Government did their duty they would not allow any illegal processions on the 12th of July. They had all heard of horrible murders committed by people assembled in Lord Roden's park, who were still at large, though well known; and these Orange ruffians were far more destructive than the men who wore Ribband badges. The Ribband system was far less mischievous. [*Loud cries of* "Oh!"] He repeated, the Ribbandmen were not so bad as the Orangemen. The Orangemen went about exciting the people. He attributed much of the mischief likely to arise in Ireland to the wretched, fanatic Durham letter, and the Ecclesiastical Titles Act, which had put them back into the state they were in a hundred years ago. That Act would never be carried into effect, but was, nevertheless, looked on as a personal insult by the people. The present Bill might possibly be made use of for election purposes, but it would be useless for anything else. He would like to know what criminals were in prison under the Act? Let them give up Coercion Bills for once, and try a different experiment, and if there was any increase in crime, he would at once confess he was in error. Let them act towards Irishmen like Christians. At present they were as quiet as the people of any country could be, though he would not say if that quiet was not the result of disease and destitution, rather than of content. Government had thrown away several good opportunities, and he begged of them to seize on the present, and give up the Bill. If they would withdraw the Bill, and avail themselves of even the short period of the Session that remained to introduce measures of relief, they would do themselves more good, and confer a greater benefit on Ireland, than any stringent measure for curtailing the liberty of the subject would ever enable them to do.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day three months."

Mr. WHITESIDE said, he was apprehensive that the House had forgotten the question which was really before it. That question was simply this, whether an Act of Parliament for the better prevention of Crime and Outrage in Ireland, which would expire in the present Session, ought to be continued until December next, and thence until the end of the next Session of Parliament. The grounds upon which Government had felt it to be their imperative duty to ask for the renewal of that Act, had already been stated by his right hon. and learned Friend the Attorney General for Ireland. The nature of the Act which they sought to renew was this: The first seven sections empowered the Lord Lieutenant, with the assent of the Privy Council, to proclaim any disturbed district—not necessarily a county or the whole of Ireland, but a part of a county or part of a barony, as the circumstances of the case might require—and, having proclaimed a district, His Excellency was further empowered to send an additional constabulary force into that district for the purpose of preserving the peace which had been violated. Other sections of the Act provided that the district should contribute to the expense of that additional force;

that no person should be permitted to carry arms in the district without a licence obtained from certain officials responsible to the Executive Government; that when a murder had been committed in a district, the authorities should have power to call upon men who were described in the Bill to assist in tracing the offender, and who, if they refused to do so, would render themselves liable to punishment for a misdemeanour; and further, that no person under prosecution should be permitted to procrastinate the time of his trial by what was technically known as a traverse. Now, where was the necessity for such a measure? He begged the House to bear in mind the statement of facts which was submitted to them by his right hon. and learned Friend in introducing the Bill. That very morning a return had been laid on the table of the House on the Motion of the hon. Member for Louth, of the number of outrages which had been committed in three counties from 1849 to 1852; and he (Mr. Whiteside) would undertake to say that there was no impartial man who would not declare that the ordinary law was not sufficient to cope with the offences specified in that return, and that therefore there must be some other means of protecting life and property; and certainly none more gentle, or less oppressive, than the one which had been proposed by the Government could be submitted to the notice of the House. How was the Government circumstanced? The grand jury of Louth presented a memorial to the Lord Lieutenant, calling upon him to send experienced police officers into the county, to endeavour to discover and put down a conspiracy intended to disturb their peace and blast their prosperity. A Special Commission was sent to the county of Monaghan; but it failed in respect to the principal offenders, though it succeeded against two men, who were found guilty and punished for an offence under this excellent Act, committed while the Judges were sitting in Monaghan. But that was not all. After the failure of the Special Commission, a meeting of the magistrates of Louth, Monaghan, and Armagh, was held, and a memorial was agreed to, which was signed by 136 gentlemen, and sent to the Government, calling upon them to pass an additional Act for accomplishing that which should be the first object of all government—the protection of life and property. With these documents before them, and with returns in their possession, which he would not weary the House by reading, all showing that offences were increasing, what were the Government to do? His right hon. and learned Friend the Attorney General for Ireland moved for a Committee to inquire what should be done to remedy the existing evils. That Committee reported and recommended different things in addition to the renewal of the present Act; and because the state of the Session made it impossible to carry out the recommendations of the Committee, the argument of hon. Members opposite was, that things ought to be left in a much worse condition than they had found them, and that even a measure so moderate and indispensable as the present—a measure which did not interfere with the ordinary tribunals of the country—that even this small modicum of protection to life and property should be withdrawn from the people of Ireland. He confessed he could not understand the arguments by which the measure was resisted. It was said that the time was inconvenient. He had hardly ever known a measure introduced with reference to Ireland with respect to which this had not been said; but the fact was, that in the present case it was impossible, from the state of business, that the measure could have been introduced sooner. It had been said, also, that if people wanted protection, arms should be given to them, rather than taken from them. The answer to that was, that if an honest man wanted arms, he had only to apply to the Government for a licence, and he should have it. Then it was said, that it might be enforced during the elections that might hereafter take place. Well, and where would be the harm of that? It was enforced during the late election for Cork, and yet it did not prevent the electors from returning the hon. Member opposite (Mr. V. Scully). Nor would it interfere with an honest voter at any election. He contended that all that he had stated formed a strong justification of the course which the Government was adopting on the present occasion. How would the Bill interfere with the elections? His hon. Friend (Mr. V. Scully), had begun the old story of tenant-right, and this Bill and that Bill. What argument was that against the Bill now before the House, either in morals or in justice? What the Government wanted was to paralyse the arm of the assassin; and the hon. Gentleman, notwithstanding, asked, where was the Tenant Right Bill? The assassin, however, should not be parleyed with, and his (Mr. Whiteside's) sympathies were all with honest men. In the evidence taken before the Committee, a Roman Catholic gentleman had stated that he was touched on the arm in the market-town by a countryman, and asked to go down the next lane. He did so; and the man, after explaining that he was afraid to be seen speaking to him in the street, told him that Mr. Fortescue, late a Member of that House, would be shot at on a given day. This statement was afterwards found to be perfectly true by the police. Mr. Fortescue had to have a guard of six men on his way to church, and he was at this moment, in common with many other gentlemen, an exile from his own country, because his assertion of the rights of property had brought him under the ban—not of his own neighbours, but—of men whose business was assassination. The hon. Gentleman had on one occasion asked, why deprive the farmers of their blunderbusses, which they only used to shoot sparrows? Unfortunately, however, it was not to shoot sparrows, but men, that they were kept; and as the end of all law was liberty and order, so it became necessary to assert it in this manner. The hon. Gentleman said the Members for Ireland were embarrassed by the Bill. Who ever was embarrassed by it? The hon. Gentleman certainly was not; nor, indeed, were there any symptoms of such embarrassment in other quarters. The hon. Gentleman had said the Lord Lieutenant, in his recent journey to Cork, had touched the Blarney-stone—having made promises that he did not perform. That was unfair to the Lord Lieutenant, and unworthy of the hon. Gentleman. The Lord Lieutenant spoke to the warmhearted people of the south in the warm language of a friend; and his wish was to do all he could for that unfortunate country. That language should be mentioned with respect by the hon. Gentleman, and not in the manner it had been mentioned, if it was only for its kindness to the Irish people. The hon. Gentleman then took the subject of Maynooth—a subject which he had on a former occasion made a three hours' speech upon, and should, therefore, know something about; and, passing from that, he referred to the recent proclamations against processions. That proclamation, however, was in strict accordance with the law, and should be enforced equally alike upon all parties, Catholic and Protestant, who should violate it. He thought it an admirable Proclamation, and one, moreover, perfectly well-timed; for when he read the account of the procession referred to, he could not help thinking that it was very like some he had seen abroad, and which, he hoped, he would never see in this country. The hon. Gentleman (Mr. Lawless) next adverted to the memorial in favour of Mr. Smith O'Brien, and said it was signed by several persons who supported the Government. It was so. It was signed by his (Mr. Whiteside's) own proposer in Enniskillen, and it was signed by several others of his supporters and friends. But why did they sign it? Simply because they were independent of the Government, in nowise responsible to it, and therefore yielded to the promptings of their own nature in the case. He agreed with the hon. Gentleman that they had no fear of Mr. Smith O'Brien; but they disliked the ascendancy of a system which they believed to be intolerant, without any objection to the individual. They signed that memorial, therefore, not under the sanction or authority of the Government, but simply because they chose to do so. The hon. Gentleman had, however, insinuated that the Government had got up that memorial. This was a mistake and a misconception on the part of the hon. Gentleman; and he (Mr. Whiteside) appealed to the House whether that was the candid way of dealing with the question? If the counsel of Mr. Smith O'Brien were asked whether they wished his liberation, and they said yes, it was most unfair to torture this into getting up the memorial on the part of the Government. The insinuation was absurd and irrelevant; and it should never have been made by the hon. Gentleman. The hon. Gentleman who had last spoken asked what were the Government doing, and why, in their three months of office, they had not passed useful reforms? To this his reply was, that measures for the reform of the Court of Chancery had been considered by the present Lord Chancellor immediately on coming into office, but that they had been inevitably postponed, owing to the want of time to pass them this Session. As regarded the common law, the Bill for the reform of the Superior Courts was in his (Mr. Whiteside's) possession; but it was utterly impossible that its 250 clauses could be discussed this Session, and it was consequently postponed also. But had the Government done nothing else? On the contrary, they had assisted railways in Ireland—they had reduced the interest on loans made to Irish railways, and they had made advances to railways, which would be of the utmost utility to Ireland. If, then, these things were done by them, and done to the best of their ability, was it not most unjust of the hon. Gentleman to ask such a question? But whether the Government was right, or whether it was wrong, he had always noticed that those hon. Gentlemen who called themselves "Members for Ireland," put the facts in the worst possible light. He had remarked a singular dislike in those hon. Members to the coming elections. That was strange, considering the high position they professed to hold in the eyes of the constituencies of that country. The Government, however, had no fear of the elections; they appealed to the country fearlessly, because they did not intend to govern as for parties or sects, but for the entire nation. As to the absurd statements about Orange cries and Orange processions, all he had to say to the hon. Gentleman who made them was, that if they furnished the Government with evidence of the facts, the Government would undertake to prosecute the offenders. The hon. Gentleman (Mr. V. Scully) also talked of the affair at Dolly's Brae. That, however, took place in the time of the late Ministry. But this he (Mr. Whiteside) was prepared to say, those whom the hon. Gentleman called assassins had on that occasion been acquitted of blame; while those who brought the charge against them had had true bills found against them. The Government, however, wisely discharged both parties. The subject was a stale one, as well as a worthless one, and had, moreover, no bearing on the Bill now before the House. Nevertheless he could inform the hon. Gentleman of a fact worth his knowing. In the Committee a witness was asked to point to any one of a long list of crimes that had been committed, and say if it was perpetrated by those persons whom the hon. Gentleman so unjustly maligned; but he could not name a single one. In conclusion, he must express his regret that there should be any opposition to a Bill so necessary to give peace and prosperity to Ireland.

Mr. FITZSTEPHEN FRENCH said, he should not attempt any reply to the speech of his hon. and learned Friend (Mr. Whiteside). While admiring the great eloquence of that speech, he still could not blind himself to the total irrelevancy of the greater part of it to the subject before the House. He would not refuse to the Executive Government any powers which they might declare to be necessary for the preservation of the peace of Ireland; but the system of Coercion Bills had now been tried for many years, without in any way eradicating the evils they were intended to remedy, or improving the tone of society in that part of the Kingdom. He thought it might be possible to call on the gentry and farmers of Ireland to protect their own lives and property without having recourse to measures of that kind. From his own knowledge of both those classes of the people, he was sure they would promptly and effectually respond to such a call if it were made. There was no class in the community who had a better right to complain of agrarian disturbances than the farmers of Ireland. The life of a farmer there was one continued season of terror. His hon. and learned Friend (Mr. Whiteside) had spoken of the disturbances in the counties of Louth and Monaghan. But let him (Mr. F. French) remind his hon. and learned Friend and the House that the disturbances in the county of Louth arose out of certain demands which were made for the reduction of rent. Those demands were refused, and what was the consequence? An agent was shot, and the reduction was made. The same thing was done at a place nine miles distant. A demand was made for the reduction of rent, and refused. The result was that another agent was shot, and the reduction was again made. His opinion was, that if the gentry in Ireland did their duty, the peace and tranquillity of the country would be maintained without any recourse to Coercion Bills. He thought it was worthy the consideration of the right hon. and learned Attorney General for Ireland whether a different system of legislation might not be adopted towards Ireland. He believed if the people of Ireland were thrown on their own resources, the sequel would show that they were well able to protect themselves.

Captain MAGAN said, he must deny the accuracy of the hon. and learned Gentleman's (Mr. Whiteside's) assertion, that the present Lord Lieutenant of Ireland had won all hearts; he denied that, unless his having aggravated the Ecclesiastical Titles Bill in the House of Lords, could be called winning all hearts. The right hon. Gentleman had entirely passed over the toast, either drunk or proposed, lately, at an Orange dinner in Enniskillen; and he

(Captain Magan) did not know if he would not be out of order in stating the terms of the toast to the House; but he thought it only right to say that they were of the most offensive character. One of his reasons for objecting to this Bill was an Act passed in the reign of George the Third. He might be told that that Act was repealed by an Act of William the Fourth; but it was only repealed in so far as related to the punishment of death, for which transportation was substituted. That Act said, that any person carrying any offensive weapon should be liable to transportation. Now, with the feeling exhibited in Ireland, by Her Majesty's Government, he did not know if a man carrying a crowbar or a pickaxe might not come under the Act. Another provision of the Act made it penal for a man to blacken or disfigure his face. Now, that was a thing might happen to a sweep, or the Ethiopian serenaders, if they ever were in Ireland; he, therefore, hoped that no Gentleman with a dark complexion would ever go to Ireland while that Act was in force.

CAPTAIN ARCHDALL said, he held a high office in the society of Orangemen, and could not allow the attack that had been made on that body to pass unnoticed. He must protest against the impudent and stupid abuse, the infamous statements, of the hon. Member for Clonmel (Mr. Lawless) with regard to the Orangemen of Ireland. Whatever might be the opinions of the hon. Member, that body would continue to act upon their principles, and to be distinguished by loyalty and obedience to the law.

MR. F. SCULLY said, he thought the observations of the hon. and gallant Member (Captain Archdall) were not fair or courteous to his (Mr. F. Scully's) hon. Friend the Member for Clonmel (Mr. Lawless) in his absence. In times gone by, he (Mr. F. Scully) remembered that very body (the Orangemen) had been condemned by resolutions of both Houses of Parliament. He knew more: that an Act of Parliament had been been passed to put down that very body as an illegal society. It was the duty of the Government to watch very narrowly the proceedings of that body in the north of Ireland; for it was a society possessing signs, pass-words, and other marks of a secret association; and in his eyes it was just as exceptionable as a Ribband society. He (Mr. F. Scully) was opposed to the Bill, because it proposed to apply to the proclaimed districts the most atrocious enactments of the Whiteboy Acts. In other parts of the United Kingdom, the police could not break into a man's house without good cause; but, in Ireland, that would be done on the merest rumour. He also objected to the Bill, because it would tax the innocent population in a very cruel and oppressive manner. On comparing the returns, he found that the agrarian crimes committed in Armagh, Down, and Monaghan, bore no proportion to those in the other parts of Ireland; and therefore there was no reason why the Bill should not be applied to those counties. He complained of the Government for postponing so important a Bill till such an advanced period of the Session. He very much regretted that they should have adopted the policy of their predecessors in smuggling important measures relating to Ireland through the House, at periods when few Members interested in the subject could be present. The hon. and learned Gentleman (Mr. Whiteside) had alluded in sarcastic terms to his (Mr. F. Scully's) friends; but a very short time would show who were the most popular men in Ireland. It was all very well for the hon. and learned Gentleman to talk about putting down religious processessions; but he (Mr. F. Scully) was not aware of any in Ireland that were of a character to give offence to the Protestants. But if there were, the Government gave their sanction to similar processions in the Colonies, where the military were ordered to attend at them. He considered the proclamation as a wanton insult upon the people of Ireland. The Government would never gain the support of the people unless they brought in measures of a different character from Coercion Bills. The Irish population had no confidence in their rulers, and were leaving their country in shoals. If they did not introduce some remedial measures, Ireland would soon really become what the Premier had called it—"almost a desert"—a country which would contain none but the people in the workhouses. Irishmen expected great things from the present Government, after the excellent statements in the right hon. Chancellor of the Exchequer's address. Let him give them an earnest by withdrawing the Bill for the present Session, and by stating what were the measures he intended to introduce in the next Parliament.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 118; Noes 13: Majority 105.

List of the AYES.

Acland, Sir T. D.
Archdall, Capt. M.
Bailey, C.
Baillie, H. J.
Bankes, rt. hon. G.
Barrow, W. H.
Bell, J.
Bennet, P.
Beresford, rt. hon. W.
Bernal, R.
Best, J.
Blandford, Marq. of
Bonham-Carter, J.
Bowles, Adm.
Boyle, hon. Col.
Bremridge, R.
Broadwood, H.
Brotherton, J.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Campbell, hon. W.
Carew, W. H. P.
Chandos, Marq. of
Chichester, Lord J. L.
Christopher, rt. hn. R. A.
Clive, hon. R. H.
Cocks, T. S.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, E.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Edwards, H.
Egerton, Sir P.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Forbes, W.
Forester, rt. hon. Col.
Fox, S. W. L.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Grogan, E.
Grosvenor, Earl
Hale, R. B.
Hall, Col.
Hamilton, G. A.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herries, rt. hon. J. C.
Hill, Lord E.
Hindley, C.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Knox, hon. W. S.
Langton, W. G.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
Matheson, Col.
Miles, W.
Moffatt, G.
Morgan, O.
Morris, D.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Newport, Visct.
O'Brien, Sir L.
Pakington, rt. hon. Sir J.
Portal, M.
Prime, R.
Scott, hon. F.
Seaham, Visct.
Shelburne, Earl of
Sibthorp, Col.
Slaney, R. A.
Stafford, A.
Stanley, Lord
Stanton, W. H.
Stuart, J.
Sutton, J. H. M.
Talbot, C. R. M.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Col.
Thompson, Ald.
Townley, R. G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, hon. F. W. C.
Waddington, H. S.
Walpole, rt. hon. S. H.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Wilson, M.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Lennox, Lord H.

List of the NOES.

Anstey, T. C.
Armstrong, Sir A.
Carter, S.
Cogan, W. H. F.
Devereux, J. T.
Fox, W. J.
French, F.
Greene, J.
Magan, W. H.
Maher, N. V.
O'Connell, M. J.
Scully, F.
Wyld, J.

TELLERS.

Scully, V.
Lawless, C. J.

Main Question put, and *agreed to.*

Bill read 2°.

INCUMBERED ESTATES (IRELAND) BILL.

Order for Second Reading read.

Bill read 2°, and *committed* to a Committee of the whole House.

Motion made, and Question proposed, "That this House will upon Monday next, resolve itself into the said Committee."

MR. FITZSTEPHEN FRENCH said, that the present Government when out of office had pledged themselves to oppose the principles of this Bill. Why then had so extraordinary a change taken place, that they now brought forward a Motion for its continuance? The opponents of this Bill upon its introduction received every possible support from the present right hon. and learned Attorney General for Ireland, the Chief Secretary for Ireland, and the right hon. President of the Board of Trade. They received an assurance of the sympathy of the present Lord Chancellor of Ireland, and were in direct communication with the present Lord Chancellor of England, those high legal authorities being then of opinion that the ordinary tribunals of the country ought not to be superseded. The Government took this party by surprise, when they announced their intention of continuing the Incumbered Estates Act, and some of them were determined not to abandon their former principles, whatever the Government might do. Had not the Bill worked mischief enough in Ireland? Was not the House content with having swept away half the gentry, and almost depopulated the entire country? Sir Robert Peel saw the probable depreciation of property from throwing so many millions worth upon the market at once, and he had contemplated that it should be held over for a certain time; but this precaution had never been taken, and property had been sold often at a depreciation of half its value. He regarded this continuance Bill as the first step towards making the Commissioners a permanent Court. He saw no necessity whatever for the Bill. In the meantime, however, the number of the petitions had been diminishing, and there was an accumulation of property befre the Court to the amount of 28,000,000*l.* still to be dealt with. On these grounds he would oppose the Government measure. He believed the Government would find some names among the opponents of the Bill they little expected, and, if unsuccessful in that House, they would make such a fight in another place as would astonish them.

MR. NAPIER said, he thought the course adopted by the Government in asking the House to read the Bill a second time, the best they could adopt for the interests of the owners of land in Ireland. By the Act of Parliament under which the Court was created, the Commission was to continue five years, which would not expire for two years to come; but the period for making presentments was limited to three years, which would expire in July next; and unless that term was extended for another year, the result would be serious depreciation in the value of land in Ireland. Were they to leave the Court in that position, the consequence would be that just before the time for petitioning closed, they would have a large number presented, praying for sale, and a still larger number to have no sale. This might be inferred from the proceedings of the Court, which had already transpired. It appeared that from the date when the first thirty petitions were presented, four months and twenty-five days elapsed before they were brought to a conclusion; and in the case of the last thirty, the period was eight months and three days. At the same time, he admitted the right remedy would have been to have reformed the Courts of Equity, and to have adapted them to the necessities of the times. If that had been done many years ago, it would have been much better for the profession and the public. The Court of Chancery, however, was not in a condition to deal with the emergency which had arisen, and that condition was hardly yet anything improved. The wisest course, therefore, for the Government to adopt, appeared to be to extend the powers of this Incumbered Estates Court for another year, in order that they might have time quite to complete the reforms of the Court of Chancery, and to see whether the jurisdiction might be continued further still, with modifications in the Incumbered Estates Court, or whether it could be transferred to the reformed Court of Chancery. Before the year expired, he hoped the Government would be in a condition to reform the Irish Court of Chancery; and he thought this Bill was in a manner auxiliary to those reforms.

MR. JOHN STUART said, he had come down prepared to hear the second reading of this Bill moved, and to make a statement to the House which he thought would have induced the Government to pause before they resolved upon the adoption of the course on which they seemed to be rather too much bent. The Bill, which was framed upon the recommendation of his right hon. Friend the Master of the Rolls, had been adopted by the Government in compliance with his right hon. Friend's suggestion, and was supported by the right hon. and learned Attorney General for Ireland, upon the ground that, whether the system on which the business of the Incumbered Estates Commission had proceeded for years was good or bad, it was desirable to continue it for another year, in order to prevent the pressure which would occur in the presentation of petitions if the existing Act were allowed to expire, as it would otherwise have expired, in the month of July.

MR. NAPIER said, the period for presenting petitions would expire on the 28th of July, but the Act would not expire for two years.

MR. JOHN STUART: The period for presenting petitions terminating in July, it was conceived that unless this measure were agreed to, such a number of petitions would be presented as would have the effect of greatly depreciating the value of land in Ireland. Petitions had been presented to the Incumbered Estates Court already for the sale of estates incumbered with debts to the amount of 28,000,000*l.* The estates already sold had produced 5,000,000*l.*, and a little more than 3,000,000*l.* had been distributed amongst creditors. The price of land had averaged from ten to twelve years' purchase. The depreciation of land in Ireland, and the amount of property of creditors confiscated, presented a spectacle never before seen in the annals of economic legislation. Upon every principle of justice he thought this system ought to be put an end to. He should take every means of drawing attention to the injustice perpetrated under that system, and he now moved that the Bill be committed that day three months.

MR. BUTT seconded the Motion.

Amendment proposed, to leave out the words "Monday next," in order to insert the words "this day three months" instead thereof.

MR. WHITESIDE said, the present Government had found this Court in active operation, and had not established it, and he admitted that some Members of the Government did not approve of the principle of it; but it was a very difficult thing suddenly to abolish a tribunal that had been in operation some years. And when the House remembered that some time ago it was proposed to continue the Act for five years, he did not think the Government were to blame because they had mitigated the continuance of it to one year. His hon. and learned Friend (Mr. J. Stuart) said the value of property would be depreciated in consequence of the Bill; but he thought he could satisfy his hon. and learned Friend that the Court was wearing itself out. When the Act first came into operation, there were presented in one single month not less than 135 petitions; but in April last, to which the return only came down, there were but thirty-two; and it was his belief that they would become less every month. If it had not been for the announcement that the existence of this Court would have been prolonged for one year, he knew for a fact that many estates would have been flung into it before the 1st of July that now would not be brought into it. As to the depreciation of property, he could state that property belonging to a noble Lord in the neighbourhood of the town he represented, which had been recently sold, had fetched twenty-one or twenty-two years' purchase—not a bad price for land in Ireland. He thought the evil consequences which his hon. and learned Friend anticipated from this Bill would not result from it.

Mr. BUTT: Mr. Speaker, I am very unwilling to detain the House at this late hour; and if my right hon. and learned Friend the Attorney General for Ireland will give me a full and fair opportunity of discussing the principle of this Bill on a future occasion, I am willing to make the observations I now propose to offer, on the Motion for going into Committee; and I think I could then show that this Bill will vitally affect the interests of many persons in Ireland. If that opportunity is denied me, I must throw myself on the indulgence of the House, and now make those observations, which I can assure hon. Members only a strong sense of duty could induce me to offer at this hour of the night. Sir, this is the first time I have ventured to address the House, and I am sure I shall not appeal in vain to that proverbial indulgence which is ever generously extended to those who address this Assembly for the first time. Sir, I have said the subject we are now considering vitally affects the interests of many persons in Ireland; and I can only express my sincere regret that on the first occasion on which I address the House, I should feel it incumbent on me to oppose a measure, I will not say brought forward, but nevertheless sanctioned by a Ministry to whom I am most anxious to give a cordial support. And, Sir, first let me be permitted to allude to an argument used tonight, the force of which I confess I am unable to understand. The right hon. and learned Attorney General for Ireland tells us, that, by way of precluding petitions, and of preventing the accumulations of business in the Incumbered Estates Court, thirteen months are to be permitted for the presentation of petitions instead of one. Sir, I confess I cannot comprehend that argument. The right hon. and learned Gentleman says there will be a run of petitions at the close of the Court; but surely there will be the same run of petitions this time twelve months. This Bill was originally introduced by the Master of the Rolls in 1846, and then the Act gave three years for presenting petitions for sale, it being settled that the Commission should last five years. Five years were allotted to sell the estates and wind up the business of the petitions that would be presented in them. What is now proposed is this—and I ask the attention of the House to the proposal, for I must deal with the case as I find it—it is proposed not to extend the period for distributing the money produced by the sales, to leave the period as to the sales as originally settled. But leaving this period as originally fixed, you increase the time for the presentation of petitions. I confess I oppose this Bill, because I think it one to which it was impolitic for the House to give its sanction. It is perpetuating what I believe to be a wrong; but I am prepared to oppose it on grounds common to me with those who supported the original Bill. Sir, there were stronger constitutional objections urged by the right hon. and learned Attorney General for Ireland, and stronger language employed on that occasion than I confess I should wish to use. The Bill did not merely give facilities for selling—it extended the right of selling; and I ask the attention of the House to this fact, that it gave the right of selling property to persons who had never before possessed such right. If any man had a mortgage on an estate, no subsequent creditor could come in and sell the estate without being prepared to pay off the mortgage; but this Bill enabled any subsequent creditor to force the estate into the market without any reference to the mortgage. Now, Sir, I think this an injustice to the rights of the mortgagee, and one which ought not to be sanctioned. There were, however, other and perhaps stronger reasons by which the measure was opposed. It was contended, when the Bill was introduced, that the glut of property it would occasion in the market of Ireland would depreciate the value of property far lower than it ought to be; and when the Bill had only been one year in operation, the right hon. and learned Master of the Rolls came down to the House and stated that the amount of property brought into the Court far exceeded all his calculations—that the glut so far depreciated property in Ireland, that it became necessary to provide an artificial stimulus for lawyers; and he proposed, in order to obtain purchasers, that every person who purchased in the Incumbered Estates Court might incumber his property to one half of its value. This was the result of a measure which superseded all our ancient Courts, and disregards all private rights? As a proof of how vain the expectations were which were raised upon this Bill, I need only remind you that when the measure was but one year in operation—a measure introduced and justified only on the ground that it would rid us of an incumbered proprietary—the author of that measure proposed to amend it by giving to every purchaser under it a cheap and easy method of incumbering his estate. Nothing but necessity could have forced him to such a proposal. But what was the necessity? That even three years' petitions would bring into the market more estates than could be sold in five! Surely before we impose additional business on the Court for these five years, we ought to know what at present they have to dispose of in that time. Has my right hon. and learned Friend given us any precise information of the state of business in this Court? No: whatever information we have on the subject is derived from the Return I have moved for myself. Now, what is the state of facts upon this Return? It there appears that of the entire number of the petitions in which absolute orders have been made, there were only thirty in which the whole lands have been sold. I know that this Return is so far incorrect, as I will show you immediately. I caused an application to be made to the Court, and my noble Friend the Secretary for Ireland has received from the Commissioners a correction of that Return, the mistake in which they said was occasioned by the fact of their not having understood the exact nature of the Return for which I had moved. Instead, then, of the number of petitions being thirty, there are, it appears, 931 petitions still to be disposed of, and the property which the Commissioners have ordered for sale, and must sell within three years, amounts to 800,000*l*. a year. Now, I ask, is there not a sufficiency of business to employ the Commissioners for three years at least, without any more petitions being presented? The business of the Court, in my opinion, only really commences when the land is sold. When they get the money, then arises the judicial business of the Court in the distribution of the money amongst the different claimants. Out of 1,631 cases there are not 500 in which the Commissioners have finally adjudicated the rights of the different claimants to the money. The present sales amount to 5,000,000*l*., and out of that sum 2,500,000*l*. lies impounded in the Incumbered Estates Court, because the Commissioners have not been as yet able to decide the rights of the several parties claiming. They have 10,000,000*l*., in fact, to decide upon, and questions may arise in the distribution of this money as difficult as have ever yet arisen in any Court of Equity. With this amount of business before them, I appeal to you whether it is reasonable to ask the House to depart from the original Bill by giving another year for the presentation of petitions without extending the time of sale. It is evident, Sir, that this Court has more business before it than it can get through within any reasonable time. The right hon. and learned Gentleman talks of the depreciation of the value of the property which would arise from a sudden glut of these petitions. The measure before the House is, however, in my mind, a most extraordinary way of preventing such a glut. Why, Sir, every petition presented under this measure will not only depreciate the value of the estates themselves, but it will also depreciate the 800,000*l*. rental of the property, which must be sold in the next three years. And what has been the result of the sales that have already taken place? The average amount of the estates sold was not more than ten years' purchase. Everything conspired to depreciate the property. The measure was put into operation at a time when the country was suffering under the destroying influence of a prolonged famine. The change in the Corn Laws—whether wisely made or not I do not discuss—unquestionably lowered the value of land. The novel enactment of outdoor relief had imposed upon the land a burden the extent of which no one could see. This was not all. The circulating money of Ireland was diminished. The issue of bank-notes had diminished from 7,000,000*l.* in 1846, to 4,000,000*l.* in 1849. And just at that moment of unexampled depression, when everything conspired to depress the value of the soil, you passed a law to fling upon the market an amount of property for which even in the best times purchasers could not be found: you called an auction of the estate of every man who was in debt. The result has been what was to be expected. Sir, I believe in my conscience that the operation of this Court has produced more individual misery and more individual wrong than any revolution that has ever taken place in any civilised country. And yet, with all these facts before our eyes, I am asked to consent to this measure for another year. I will not quote the words of my hon. and learned Friend against himself; but I must ask the House to bear with me while I quote the words of the noble Earl now at the head of the Government, when on a former occasion he moved that this Bill be referred to a Select Committee. The language used by the noble Lord was this, that "being a Bill of a most exceptional character, he wished that it should not be carried further than the exceptional nature of the case required." Now, that is simply all I ask. This Bill was never brought forward to facilitate the settlement of the claims of creditors—it was brought forward for the purpose of transferring to unincumbered proprietors the land of Ireland. Its only justification was the importance of getting money even at the cost of individual suffering of proprietors whose embarrassments disqualified them from discharging the duties of a resident gentry. This was the justification of the measure. Can it be assigned for its extension? Have not the last three years supplied a test sufficient to prove the person whom it is desirable to sell out? Will any man say that the Irish proprietor, who has managed to keep his ground for the last three years, is a man that it is well to get rid of? I feel I owe an apology to the House for trespassing at this unseasonable hour so long upon their patience; I can assure the House I would not have dared to do so if I did not consider that the injustice of the measure was sufficient to warrant my interference. Thanking the House, then, for the very kind attention with which my observations have been heard, I shall conclude for the present; but, with the leave of the House, I shall probably take an opportunity of again addressing it when going into Committee on the Bill.

Question put, "That the words 'Monday next' stand part of the Question."

The House *divided*:—Ayes 78; Noes 6: Majority 72.

Main Question put, and *agreed to.*

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Saturday, June 19, 1852.

BREACH OF PRIVILEGE—CASE OF MR. SPRYE.

The Governor of Whitecross Street Prison, with Mr. Richard Sprye, a Prisoner in his Custody, also William Willis, an Officer of the Sheriff of Middlesex, attended at the Bar of this House (pursuant to Order of Yesterday): They were called in and examined.

The LORD CHANCELLOR asked what the circumstances connected with the arrest were?

Mr. Sprye said, that he resided in Oakley-square, Chelsea; and on Tuesday last, between nine and ten, he left his house for the purpose of coming down to their Lordships' House. He had presented a petition against a Bill now before their Lordships, called the London Necropolis Bill, and was informed by his agent that it would be necessary for him to be sworn at the bar; and he was then coming down for that purpose. On arriving at the corner of Queen-street, by which way he had gone for the purpose of obtaining a cab, he was met by two men, one of whom asked him if his name was Sprye, and on his rather hesitating to reply, said to him, "I know you are Sprye, and I want you." He then took him into custody for a debt of 160*l.* He told the sheriff's officer that he was going down to the House of Lords to attend a Committee, and showed him the Bill which he held in his hand. The sheriff's officer, however, said he had nothing to do with that, and persisted in carrying him to Whitecross-street Prison, refusing to allow him to communicate with his family, or with his Parliamentary agent.

The LORD CHANCELLOR: At the time you were arrested, were you on your way to this House?

Mr. Sprye: Yes, certainly.

In reply to the LORD CHANCELLOR,

F. Willis, the sheriff's officer, said, that on Tuesday last he received instructions to arrest the petitioner. He met Mr. Sprye that same morning at the corner of Queen-street, coming in the direction of their Lordships' House, where he took him into custody. Mr. Sprye said he was going down to the House of Lords; but on being asked to produce the order or subpœna, he said that he had not got one.

By Lord TRURO: He did not show me the Bill until I was taking him to Whitecross-street.

By the LORD CHANCELLOR: I distinctly understood him to say that he was coming down to this House, but as he had no order of the House, I did not attend to that.

In reply to the LORD CHANCELLOR,

Mr. Burdon, Governor of the Debtors' Prison, said that on Tuesday he received Mr. Sprye into the prison of Whitecross-street, for debt, where he had kept him ever since.

LORD BROUGHAM moved that Mr. Sprye be discharged from custody.

LORD TRURO seconded the Motion. He did not think that the fact of Mr. Sprye not having an order of their Lordships' House was of the slightest importance in this case. It was perfectly possible that persons might have to attend before their Lordships on affairs of the greatest importance without having an order, and so long as they were *bonâ fide* coming down to the House, they had a right to be protected. There was no doubt, however, that any man in a similar position, pretending that he was going down to their Lordships' House, and deceiving the sheriff's officer, would be guilty of a gross breach of privilege, and would be liable to severe punishment. At the same time, it should be understood by the public officers, that if individuals on being arrested stated that they were going down to the House, it was their duty to attend with them before the Committee, and there was no doubt that the House, upon application, would take care to protect the public officers in the execution of their duty, and punish individuals who endeavoured to practise a deception upon them in this manner.

LORD BROUGHAM entirely concurred with what had fallen from the noble and learned Lord. It would be, without doubt, a very great contempt, and severely punishable to enter into a plot to deceive the public officer by a pretence of having business before their Lordships, and thus to evade a legal arrest. It would always be the better course for the officer to attend with his prisoner before the Committee, because no injury would then be done to any party, and no responsibility incurred.

The LORD CHANCELLOR, in expressing his concurrence with the noble and learned Lords, stated that the order would extend so far as to enable Mr. Sprye to return home without obstruction, but after that its protection would cease.

LORD BROUGHAM advised Mr. Sprye not to deviate from his straight line of road in going home; for if he did so, he might be arrested; but if he went by the direct route, the House would protect him until he got home, but no further.

"Ordered—That Mr. Richard Sprye be *discharged* from the said Prison, and from the Custody of the said Governor."

House adjourned to Monday next.

HOUSE OF LORDS,

Monday, June 21, 1852.

MINUTES.] PUBLIC BILLS.—1^a Thames Embankment; Savings Banks (Ireland); Inland Revenue Office; County Rates; Poor Law Board Continuance.

2^a Commons Inclosure Acts Extension; Appointment of Overseers; Hereditary Casual Revenues in the Colonies.

Reported.—Poor Law Commission Continuance (Ireland).

3^a London Necropolis and National Mausoleum; Enfranchisement of Copyholds; Trustees Act Extension; Militia.

GUANO.

EARL FORTESCUE presented a petition from the Occupiers of Land in the county of Devon, praying that measures may be taken to afford greater facilities in procuring supplies of Guano from the two Islands of Lobos. The noble Earl asked a question of the Secretary of State for Foreign Affairs, which was not audible.

The **Earl of MALMESBURY** admitted that this was a question of great importance to all persons engaged in agriculture. These islands, however, had not been correctly described by the petitioners as never having been claimed by the Peruvian Government until the demand for the guano in which they abounded had arisen; on the contrary, the islands had been claimed by Peru as long ago as 1833, and their claims were admitted by the Queen's Advocate. The Peruvian Government, moreover, had evidently a *primâ facie* case to the possession of them; and Her Majesty's Government felt that it would not be justified in interfering for the protection of British vessels going to them under the idea that the guano deposited on them was a property which belonged to the first party who had seized on it. Having said thus much, it would be understood that Her Majesty's Government could not interfere to protect vessels going there, except under such regulation as the Government of Peru had established. Her Majesty's Government had, however, given instructions to the commanders of our cruisers in different parts of the world to take observations of all places wherein they might find deposits of guano; and he had little doubt that so many deposits of it would be found in Patagonia, Polynesia, and other countries, as would compel the Peruvian Government to lower their rates of prices for an article of commerce of which they had obtained a monopoly in combination with a mercantile house in that metropolis. He would have laid upon the table that day the papers which had been laid already on the table of the House of Commons in connexion with this subject, but, unfortunately, a sufficient number of them had not yet been printed.

Petition read, and ordered to lie on the table.

LAW OF MARRIAGE—MARRIAGE WITH A DECEASED WIFE'S SISTER.

The **Marquess of LANSDOWNE**: My Lords, I have a petition to present in favour of marriage with a deceased wife's sister from the inhabitants of the city of Bristol, signed by the mayor, 7 magistrates, 18 town councillors, 24 dissenting ministers, 55 solicitors, and 2,357 married women; also from the inhabitants of the towns of Kingswood and Littleton on Severn—in all 3 petitions, signed by 2,407 married women, and 7,640 male adults; making a total of 10,047 persons. My Lords, I express no opinion on the question raised in the petitions which I have presented, and which I feel to be an important one; and reserve to myself the right of dealing as I may think proper with any measure relating to this subject which may hereafter be submitted for the consideration of Parliament.

Lord WODEHOUSE: My Lords, I have similar petitions to present from the inhabitants of the city of Norwich, signed by the mayor, ex-mayor, ex-sheriff, 11 aldermen, 25 councillors, 3 clergymen, 12 magistrates, 1 baronet, 2 coroners, 29 guardians, the clerk of the peace, the town clerk, bankers, and 115 married women; also from the inhabitants of the town of Bury St. Edmunds, signed by the mayor, 2 clergymen, 5 magistrates, 5 professional men, and 37 married women; also from the inhabitants of the towns of Ipswich, Beccles, Long Melford, Clare, Framlingham, and Wrentham; in all 8 petitions, signed by 585 married women, and 3,275 male adults; making a total of 3,860 persons. I consider the subject one of great importance, and earnestly hope the House will agree to the prayer of the petitioners.

Lord GAGE: My Lords, I also have several petitions to present on the same subject. The first is from the inhabitants of the city of Bath, signed by the sheriffs, 9 magistrates, 3 aldermen, 20 councillors, 2 dissenting ministers, 37 professional men, 328 married women, &c. The next is from the inhabitants of Southampton, signed by the mayor, 2 magistrates, 3 aldermen, 8 councillors, merchants, &c. I have also petitions from the towns of Avebury, Melksham, Mere, Salisbury, Charlton-Hordean, Christchurch, Cadnam, Gosport, Overton, and Petersfield—in all 12 petitions, signed by 891 married women, and 3,755 adult males—making a total of 4,646 persons. I own that I think both the complaint and prayer of the petitioners nothing but just, for I hold that no Government whatsoever has a right to restrain the liberty of its subjects by laws at once useless and unjust—in the present case I might add mischievous. I will only say further, that I hope and trust, whenever a remedial measure shall again be before you, reflection may procure it a reception very different to the last.

Viscount SYDNEY: My Lords, I rise to present petitions from the city of Canterbury, signed by the mayor and others, from the city of Rochester, signed by the mayor and others; also from Ashford, Bromley, Bexley, Deal, Dover, Elstead, Margate, Ramsgate, Walmer, and Woolwich; in all 12 petitions, signed by 2,914 persons. The prayer of the petitioners is one which I cordially support.

The EARL of MINTO: My Lords, I have similar petitions to present from the inhabitants of the city of York, signed by the lord mayor, recorder, city sheriff, city coroner, 4 magistrates, 23 councillors, 9 dissenting ministers, &c.; also from the inhabitants of the towns of Leeds, Billericay, Brill (2), Broadwindsor, Brotherton, Biggleswade, Bognor, Beaminster, Backway, and Brackley, in all 12 petitioners, signed by 165 married women, and 4,837 adult males, making a total of 5,002 persons.

LORD STANLEY OF ALDERLEY: My Lords, I have several petitions to present on the same subject, the prayer of which I most cordially support. The first is from the inhabitants of Liverpool, signed by the mayor, 6 ex-mayors, 11 clergymen, 16 dissenting ministers, 13 magistrates, 8 aldermen, 25 members of the town-council, 25 professional men, 15 merchants, bankers, barristers, &c.; from the inhabitants of the city of Chester, signed by one knight, 2 magistrates, 1 rector, gentlemen, solicitors, editors, merchants, tradesmen, &c.; also from the inhabitants of the towns of Congleton, Leftwich, Macclesfield, and Stockport; in all 6 petitions, signed by 341 married women, and 5,563 adult males, making in all 5,906 persons.

The EARL of LANESBOROUGH: My Lords, I have a similar petition from the city of Gloucester, signed by the mayor, sheriff, aldermen, town councillors, dissenting ministers, professional men, gentlemen, 30 married women, &c.; also from the inhabitants of the city of Coventry, signed by the mayor, vicar, 3 clergymen, 5 magistrates, 4 dissenting ministers, 4 aldermen, 17 town councillors, &c.; also from the town of Warwick, signed by the mayor, the whole of the corporation, clerk of the peace, 5 magistrates, 2 clergymen, 3 dissenting ministers, 414 married women, &c.; also, from the inhabitants of the towns of Atherstone, Lutterworth, Loughborough, Godmanchester, Leicester, Neuent, St. Neots, and St. Ives; in all 13 petitions, signed by 674 married women, and 2,714 adult males, making together 3,388 persons. My Lords, I heartily concur in the prayer of these petitions, and trust that some remedial legislative measure will be passed on this subject.

The EARL of ST. GERMANS:* My Lords, I have undertaken, at the request of a very large, a very intelligent, and a very respectable body of persons, to present to your Lordships a number of petitions, praying that you will concur with the other House of Parliament in amending the Marriage Law of this country, so far as it relates to marriage with the sister of a deceased wife. My Lords, great pains have been taken to verify the signatures, and to ascertain the station in life of the persons who have signed these petitions. The number of signatures appended to the petitions which have been presented by other noble Lords, and which are about to be presented by myself, exceeds 98,000. Amongst them are the signatures of many clergymen of the Established Church, of many ministers of different persuasions, of magistrates, of bankers, of lawyers, of medical men, of tradesmen, and of mechanics; the petitions have also been signed by nearly 16,000 married women, a class whose opinions have been frequently represented as unfavourable to the proposed alteration of the Marriage Law. My Lords, I believe there is not the name of a single person attached to these petitions who is not competent to form a correct judgment on this question. I, therefore, say that these petitions speak the sentiments and express the wishes of a very large, a very intelligent, and a very respectable body of persons. My Lords, I trust that the anticipation of a more exciting discussion will not prevent your Lordships from listening with patience to the statement which I think it my duty to make on their behalf; it shall be brief.

My Lords, an association of persons deeply interested in the proposed amendment of the law, has been formed for the purpose of procuring and of diffusing information on this subject. It has been thought advisable by that association to ascertain the law and the practice of other countries in this respect. It has accordingly addressed inquiries to the proper authorities in foreign countries; and it has received from them authentic information on these points. My Lords, it appears by these communications, that, with the exception of four cantons and a half canton of the Swiss confederation, and of one State in the North American Union, this is the only country in which these marriages are not permitted: and, my Lords, I must guard myself, when I say this country, against admitting the law of Scotland to be the same as the law of England in that respect. Much doubt exists on that subject. Many lawyers, amongst others the late Lord Advocate Rutherfurd, now a Lord of Session, are of opinion that these marriages are not invalid according to the law of Scotland.

My Lords, in some Protestant States, as Prussia, Holstein, the United States of America, and some others, no impediment is thrown in the way of these marriages; they are wholly unrestricted. In others, as in Holland, in Hanover, and in many of the German Duchies, in all which the civil law is in force, these marriages are indeed nominally prohibited, but practically they are permitted; the power of granting dispensations being vested either in the sovereign or in the ecclesiastical authorities, who never withhold those dispensations unless in cases where there has been criminal intercourse between the parties in the lifetime of the deceased wife. In Roman Catholic countries, as your Lordships well know, dispensation is granted by the Pope, or by a prelate having power delegated by the Pope. The Jewish communities throughout the world, whose marriage code is the Levitical law, hold these marriages not only to be lawful, but to be laudable, so much so, that in the case of marriage with a deceased wife's sister, they abridge the interval which in other cases must intervene between the death of the wife and the contracting of a new marriage.

My Lords, in looking over the documents submitted to my inspection, I have found several passages which are well worthy your Lordships' attention; a very few I will now read. In all the communications from foreign States, I find a general concurrence of opinion in favour of these marriages. I speak of public opinion as well as that of the authorities. Experience has shown that these marriages have not been productive of the evils anticipated by the opponents of the proposed change. I will, with your Lordships' permission, quote, as a specimen, the following extract of a letter from M. Haberman, of the Ducal Consistory of Saxe Coburg:—

"Having regard to the moral grounds which so particularly recommend marriages between a widower and the sister of his deceased wife, when orphan children demand the care of a second mother, and that the importance attached to the relation of brother-in-law has no foundation in Scripture, such marriages have become common, and there exists only the form of asking for a dispensation from this existing law."

In like manner, M. Wydenberg, of the Grand Ducal Council for Ecclesiastical Affairs in Saxe Weimar, says—

"Such marriages are certainly according to the laws of the Grand Duchy among the prohibited ones, but dispensation is granted on demand, and on payment of a fee, according to the circumstances of the parties. For the poor, the highest ecclesiastical authorities approve them without reserve."

Such is the state of the law in those Duchies. I will now read an extract of a letter from that very distinguished jurist, Judge Story. Speaking of the law and practice in the New England States—States, be it remembered, which are peopled by the descendants of the Pilgrim Fathers, men who regarded all the Mosaic precepts and all the Mosaic ordinances with great, I had almost said with superstitious, veneration, Judge Story says—

"There is not the slightest doubt, and never to my knowledge has been, in Massachusetts, that the marriage of a man and the sister of his deceased wife, is perfectly lawful, and valid, and scriptural. Indeed such marriages are very common among us, and among all sects of Christians. I recollect at this moment two between Episcopalians, within the circle of my acquaintance, and I mention them only as it has been supposed to be against the Canonical Law of the Church of England to allow such a marriage. By many persons connections of this sort are deemed the most desirable, especially when there are children of the first marriage. The same rule prevails (as I believe) in all the other New England States, and in by far the greater number of the other States in the Union. I recollect but a single exception —Virginia. Many years ago I had to consider this very question, as one of professional curiosity and learning. I was then of opinion, and still continue to be, that there is not the slightest foundation for any such prohibition in the Scriptures, and that wherever it exists, it has its foundation in some positive Municipal Law, or in the Canon Law as promulgated by the Romish Church, and thence transferred into the Canon Law of the English Church. It has been for more than a century and a half a matter of dispute in England, whether any such prohibition existed in the Canon Law of the Church of England; and Parliament a few years ago passed a Statute which created the prohibition, or recognised it. That Statute has given rise to new controversies on the subject, and has partly excited opposition in that country. I have several pamphlets in my possession, recently written, which discuss the subject at large, and with very great learning and ability, and all of them deny the scriptural foundation of the objection, and also that the Common Law deems such marriages prohibited. If I had ever entertained any doubts on the subject, these learned disquisitions would have perfectly dissipated them. But, in point of fact, everything that I have read upon the subject for the last twenty years, has satisfied me that the objection is perfectly unscriptural and unfounded. The subject is incidentally touched in my own work on the *Conflict of Laws*, § 115, note 1, page 105. Many persons are of opinion that the whole doctrine had no better or higher origin than in the practice of the Romish Church to grant dispensations in such cases. Of the correctness of this opinion, I do not pretend to judge; for I have never deemed it a matter of the slightest importance. So offensive would any such prohibition be deemed in Massachusetts, that I am satisfied, that if our legislature were to attempt to introduce it, it would be met with universal indignation, and, *à fortiori*, any attempt of any religious sect to make it a part of its own laws, as unscriptural, would be deemed a usurpation of authority utterly unchristian and illegal. I well remember to have had a long conversation with my lamented friend, Judge Livingstone, on this very subject, near the close of his life, in which he maintained the same opinion with great earnestness and ability, and referred me to the pamphlet which he had written on the subject."

My Lords, I have a letter to the same effect from Chancellor Kent, another great authority. I hold also in my hand, a letter from a Protestant Bishop of the Episcopal Church, Bishop M'Ilvaine, the Protestant Bishop of Cincinnati, to the Secretary of the Marriage Law Reform Association. The Bishop, in answer to the inquiries addressed to him, says—

"A clergyman married to his deceased wife's sister, and not under ecclesiastical process therefore in England, coming to this country, would not be prevented by such marriage from being received as a minister of the Protestant Episcopal Church here, or from exercising his ministry. I should have no objection, nor would any Episcopal clergyman that I am acquainted with in these parts, have any objection, to celebrate the marriage referred to on the presentation of suitable testimonials."

My Lords, such is the law, such the practice, and such the opinion of foreign countries. I am very far from saying that we are bound or concluded by the law, by the practice, or by the opinion of any foreign country. But I do think, that when we find Christian and Protestant States, who have the same opportunity of judging of the question as we have, and the same means of arriving at a proper conclusion; I say, when we find in all these States, the law, the practice, and the opinion on this question at variance with our own—I will not say with our own opinion, or our own practice, but with our own—law, it becomes us well to examine the ground on which our law rests.

Now, my Lords, what are the foundations of that law? The statutes of Henry the Eighth, and the 99th Canon, to which so much importance is attached, are based on the assumption that such marriages are contrary to the word of God. My Lords, the people of England are a moral and religious people; and if you can satisfy them that these marriages are forbidden by Scripture, no man would seek to alter the law in this respect. But what is the case? Not only do many of the most eminent scholars and divines hold that there is no such prohibition, but the right rev. Bench is itself by no means unanimous as to the existence of such a prohibition. Indeed, I doubt whether a majority of that Bench are not of a contrary opinion. Several right rev. Prelates have declared, both in this House and out of it, that these marriages are not forbidden in Scripture. Two made a statement to that effect in the debates which took place last Session on this question. It is true they opposed the Bill for legalising these marriages, but they did so on the ground of social expediency, and distinctly admitted that there is no warrant in Scripture for this prohibition. I am not prepared to say that in this country, where every man has access to the Scriptures, and where the right of private judgment is claimed and acknowledged, all would defer to the decision of the right rev. Prelates, even if it were unanimous, but I cannot doubt that very many would be influenced by it. Such a decision has not been and will not be pronounced. I say then that the assumption on which our law is based—the assumption that these marriages are forbidden in Scripture, is a gratuitous assumption, unsupported by proof.

Before the passing of the Acts 5 & 6 *Will.* IV., c. 54, the law was certainly in an anomalous and inconvenient state. Marriages within the prohibited degrees were voidable, not void; that is to say, they could only be set aside while both parties were living. No proceedings for this purpose could be taken after the death of either of the parties. The status of the children of such a marriage was then a matter of uncertainty. Accident or caprice might determine whether they should or should not be legitimate and capable of inheriting. This was, as I have said, an anomalous and inconvenient state of the law, and the noble and learned Lord opposite (Lord Lyndhurst) did well in bringing in a Bill to amend it.

The noble and learned Lord introduced a Bill, having for its object the limitation of the period within which such suits could be instituted. That Bill, in its progress through your Lordships' House, underwent a considerable change. A provision of a very different character was engrafted upon it. The effect of that was very nearly fatal to the Bill when it arrived in the other House of Parliament; and had it not been for the late period of the Session, and the expectation which was held out, that the subject would be again brought under the consideration of Parliament in the ensuing Session, I believe the Bill would not have received the sanction of the other House. But it did become law. Now, although that Bill was materially altered for the worse, it still recognised one most important principle. It recognised in the clearest and most express manner the difference between marriages within the prohibited degrees of consanguinity, and marriages within the prohibited degrees of affinity. The reason why the distinction was made was this—that the one description of marriage is contrary to the law of God, and the other is not. There is no disposition in the people of this country to contract marriages of the former description. Those who, regardless of the instinct of nature and the dictates of religion, contract such marriages, are looked on as guilty of a great crime. Legislation is scarcely needed to prevent their occurrence. There has been no desire on the part of any section of the people to alter the law with regard to marriages within prohibited degrees of consanguinity. How different the feeling with regard to the law respecting affinity!

The judicial decision in the case of the Queen *v.* Chadwick, set at rest any doubts that might be entertained as to the effect and operation of the existing law. In adverting to the case of the Queen *v.* Chadwick, I cannot refrain from reading an extract from a letter from a noble and learned Member of your Lordships' House, whose opinion will on this, as on every other occasion, be listened to with great deference and respect—I allude to Lord Denman; and I regret that he is not present to give effect to his opinions by a speech. The letter is dated "Parsloes, May 3rd, 1852," and is as follows:—

"I should hardly be justified in undertaking the petition you mention under present circumstances, though I am really anxious publicly to disclaim the imputation of having expressed any opinion upon the expediency or justice of the law you seek to repeal, in deciding the case of 'the Queen *v.* Chadwick.' On the contrary, I, in common with the other Judges of the Court of Queen's Bench, took pains to rest our decision on the mere wording of the Act of Parliament, and avoided all discussion as to whether it was founded either on Scripture or reason. I am quite convinced, after a most careful examination, that those bishops are right who have expressed their opinion that there is no scriptural prohibition of marriage with a deceased's wife's sister; and that it is, in fact, as the Bishop of St. David's declared, permitted by the Mosaic code. Considering who was the lawgiver, we cannot possibly impute inadvertence or mistake; and it follows, if this opinion be right, that the permission was purposely given. Upon the second branch of the question, as to the moral quality and social consequences of permitting such marriages, I cannot help thinking that the remark I have already made, if well founded, ought to have considerable, if not decisive, weight, and more particularly as these marriages were held in honour by the Jews, to whom the law was given, and who must be supposed most competent to understand it.

"The assumption of evil consequences is entirely unsustained by evidence; and, among all the irregularities and crimes which have often revolted the public mind as polluting married life among us, I am not aware of a single instance in which marriage with a deceased wife's sister has been even suspected as the cause. With regard to the third question, that of 'expediency,' that is, the prevention of uncertainty by nullifying all such marriages, it appears to me that, as that experiment has wholly failed in point of fact, and such marriages are still contracted, notwithstanding the legal prohibition, by some of the most respectable members of the community, the only justification of the enactment, very doubtful in point of justice, is completely exploded by the result. A law which is universally felt to be more honoured in the breach than in the observance, cannot too soon, in my opinion, cease to be a law. I have not time to enter fully into the argument, and perhaps shall never be able to do so; but, as you inform me that some value is attached to my opinion, I cannot feel myself justified in withholding that which I have deliberately formed."

My Lords, in the case to which I have referred, it was held that a man who, having married the sister of his deceased wife, contracted another marriage in her lifetime, was not guilty of bigamy. Of the invalidity of marriages of this description, if contracted in this country, there is, therefore, no doubt; but the case is very different with regard to marriages contracted according to the *lex loci* in a country where they are legal.

My Lords, marriages which are good and lawful in the country in which they are contracted, are good and lawful everywhere; and the only question which arises in this particular case is, whether any personal disqualification or disability is created by the 5 & 6 *Will.* IV., c. 54. I believe it is the opinion of the best and soundest lawyers, that it creates no such disqualification. On this point I should be glad to hear the opinion of the noble and learned Lord opposite. Be that as it may, many such marriages are contracted under the belief that they are perfectly valid and legal marriages. If these marriages be really valid, then I say that you have one law for the rich, and another for the poor; for the rich man, who can afford to pay the expense, may go to Berlin, or Frankfort, or Copenhagen, or any other place abroad where such marriages are legal, and marry his sister-in-law; but the poor man, who must go to the parish church or the registrar's office, cannot contract such a marriage.

My Lords, I think that you have done either too much or too little in this matter. If these marriages are criminal, if they are forbidden by Scripture, you ought not to satisfy yourselves with rendering them null and void, and thus punishing only the innocent offspring. You ought to follow it up by a penal enactment inflicting penalties on the parties contracting such marriages, and separating them. I am not disposed to create artificial offences, that is, to make an act, innocent in itself, illegal; but if you think fit to do so, you should vindicate the authority of the law and enforce its observance. You can only do this by punishing those who transgress it.

My Lords, it has been said in this House, that the Act of 5 & 6 *Will.* IV., c. 54, did not legalise any marriage within the prohibited decrees, and that such marriages are still liable to ecclesiastical censure. This may be the law; but I know that no proceedings against the parties have ever been taken, and I believe that none ever will be taken; at any rate, I am sure that if such proceedings were taken, Parliament would interpose and protect those whose marriages it had declared should not be annulled.

It was said, at the same time, that Parliament sanctioned these changes in the law only for the sake of the innocent offspring of these marriages. My Lords, will it be contended that the offspring of a marriage within the prohibited degrees of consanguinity are less innocent than the offspring of a marriage within the prohibited degrees of affinity? No, my Lords, as I have observed, Parliament legalised marriages within the degrees of affinity because they are not contrary to the laws of God, or the law of nature: it did not legalise marriages within the degrees of consanguinity because they are contrary to both.

My Lords, I am bound to respect the conscientious conviction of those who, having fully and dispassionately considered the question, are of opinion that God has interdicted marriage with the sister of a deceased wife. I do not appeal to them, but I appeal to those who have not so considered the question; I call on them to examine the grounds on which their opinion rests, and not to be satisfied with a vague and general notion that such a marriage is wrong. More especially, my Lords, would I appeal to those who believe that these marriages are not contrary to the law of God, but who refuse to legalise them because they think that they would be productive of social evils.

I might refer to the experience of other countries, and, so far as it goes, to the experience of this country, as showing that no such evils are to be apprehended; and that in fact marriage with a deceased wife's sister is the best that a widower with children can make. But I will only say that if these imaginary evils were real, they would sink into insignificance when compared with those which are caused by the existing law. Much unhappiness, much sin, are caused by this law. Look at the evidence given by clergymen, resident in the metropolis and in the populous towns of this Empire. Almost all these clergymen wish for an alteration of the law. Many have signed these petitions: more would have signed them, had they not been restrained by the fear of giving offence to their Bishop.

But, my Lords, it is no part of our duty to inquire whether these marriages are or are not expedient. As the Archbishop of Dublin has well observed, many circumstances may make a marriage inexpedient, which no legislature ever dreamed of rendering illegal. Disparity of age, incompatibility of temper, bad health, bad character, are strong objections to a marriage, but have never constituted legal impediments in its way.

The real question is, are these marriages contrary to the law of God? and if not, have we a right to forbid those to marry whom God has not forbidden to marry?

My Lords, if you will take these things into your consideration, you will, I think, be convinced that the restriction of which the petitioners complain is unjust, and that they are entitled to the relief which they seek at your Lordships' hands.

I must, in conclusion, express an earnest hope that when a Bill for the modification of the law comes up from the other

House of Parliament (and that such a Bill will come up in the course of the next Session, I have no doubt) your Lordships will be prepared to give it your sanction.

I would now move that the petition, which is well deserving of your attention, be printed; but as that Motion would be inconsistent with the practice of this House, I must content myself with moving that it be read by the clerk at the table.

LORD LYNDHURST: My Lords, I do not rise for the purpose of entering into the general question which has been brought under your Lordships' consideration by the noble Lord who has presented this petition, which question I admit to be of very great importance. But, as my noble Friend has connected my name with a Bill which has received the sanction of the Legislature, and as considerable misrepresentation and misapprehension has existed with regard to that Bill, I am desirous of being allowed to enter into a short explanation with regard to it. That Bill makes no alteration whatsoever with respect to what cases come within the prohibited degrees of consanguinity or affinity. Whatever were the degrees of prohibition existing before that Act, they are the same now. If a marriage with a deceased wife's sister was unlawful before the passing of that Act, it is equally unlawful now. The Act was passed with entirely a different view, and did not pretend to enter upon that subject. Several cases had come under my notice where extreme hardship had been inflicted by voidable marriages. They appeared to me cases of extreme difficulty; and after a little reflection I came to the conclusion that the whole system of voidable marriages was cruel and unjust, and that the Legislature ought to interpose in some way to remedy the evil. It happened, in some cases, that the offspring of parents continued year after year to consider themselves as legitimate, as heirs of the property of their respective parents, or as entitled to succeed through their parents to property that might be settled by other persons, and, after having long enjoyed this expectation, some person interested might commence a suit in the Ecclesiastical Court for the purpose of voiding the marriage of their parents, when the children became bastardised and deprived of all the expectations they considered themselves entitled to. I considered that system to be so manifestly cruel and unjust, that I thought it my duty to endeavour to provide some remedy. And what was the remedy I proposed? By the law as it stood, after the death of one of the parents the marriage became binding: no proceeding could be instituted for the purpose of voiding it. There was a sort of statutory limitation; but it was uncertain, and therefore I thought the better course would be to abridge the period, and enact that, if proceedings were not taken to void the marriage within two or three years after the solemnization, from that period it should be considered as binding between the parties. I therefore brought in a Bill providing that if proceedings were not taken to void the mariage within two or three years, after that period no such proceedings should be taken. When I stated the case to your Lordships, the proposition appeared to me at first to meet with universal concurrence; but, after some time, I found an opposition growing up to the measure principally arising from the right rev. Bench, for which I always entertained so profound a respect; and after a great deal of discussion I found the Bill would be inevitably lost unless I adopted the suggestions which emanated from that quarter. That voidable marriages were attended with great inconvenience was admitted to the fullest extent; but then it was said you are remedying it by declaring such marriages void, and if parties chose to live contrary to law, and unlawfully cohabit, they must take the consequences of a violation of the law. Your Lordships were pleased to approve of that alteration, and the Bill was passed, and that enactment has continued in force to the present day. That, my Lords, is the short history of the Bill. It became material to consider what should be done with respect to past voidable marriages, and I proposed that the limitation should be a period of one year from the passing of the Act. Your Lordships were not disposed to accede to that proposition. On the contrary, your Lordships considered the evil of voidable marriages so strong, that it was declared that all marriages solemnised before the passing of the Act should henceforth be declared lawful. That is the whole history of the Act. Now, my Lords, there are several important questions to which my noble Friend alluded, arising out of this state of the law. What are we to do, and to what conclusion are we to come, in regard to marriages celebrated abroad, in countries where marriages with a deceased's wife's sister are lawful? The first question relates to cases where the parties are domiciled abroad. But another question arises in consequence of a practice to which his noble Friend had alluded, namely, the case where parties who are not domiciled go abroad for the purpose of evading the law which prevails here, and after getting the marriage solemnised return to this country. What is the state of marriages so solemnised? My Lords, this applies to an immense class of persons in this country, and the Legislature ought to come to a conclusion on this subject, for I am told that at this moment there is a clergyman at Hamburgh who acts a part very similar to that of a celebrated person at Gretna Green, who for a small sum solemnises marriages between parties coming from this country and being in the relation described, in the hope that these persons may be considered, when they return to this country, as lawful husband and wife. Whether that question may come before a court of justice, it is not for me to anticipate. As a member of a tribunal which may have to decide on such a question, I do not feel that I should be justified in giving an opinion; but, considering the large number of persons placed in this situation, I must say it is a question of the utmost importance, and deserving the most serious consideration of your Lordships.

Lord CAMPBELL: My Lords, I exceedingly rejoice to hear the statement of my noble and learned Friend, for there has been gross misunderstanding and misrepresentation upon this subject, not only in your Lordships' House, but out of doors, for the agitators have been very unscrupulous. They first asserted, that according to the law of England as it now stands, the marriage of a widower with the sister of a deceased wife is lawful. They induced a great number of marriages to take place between parties in that relation; and these marriages are now brought forward as an argument for legitimatising such marriages. There was a solemn and unanimous decision, by the Court of Queen's Bench, that such marriages are void. What was the state of the law? It was boldly asserted that they were void merely by Lord Lyndhurst's Act; and petitions have been presented, praying your Lordships to do away with the effect of Lord Lyndhurst's Act, and restore the legality of these marriages. My noble and learned Friend has shown truly that his Act did not make any alteration whatever in the law of England. These marriages were illegal before the Act was passed—they are illegal still—they stand on the same footing with marriages which were illegal by reason of consanguinity. The marriage between a widower and his deceased wife's sister stood on the same footing as a marriage between father and daughter and mother and son. Those marriages were not void, but only voidable. That was a most lamentable state of the law of England; and therefore the country was indebted to my noble and learned Friend for bringing in a Bill which made such marriages actually void. My Lords, I hope that the law will remain unaltered. There is another point to which my noble and learned Friend has alluded, on which I will venture to give an opinion, namely, with respect to a widower going to a foreign country and there marrying the sister of his deceased wife. I caution all men against such marriages. If they are English subjects the Legislature of England has a right to legislate upon their acts all over the world. We never can do what has lately been done in France—seek to legislate upon the acts of foreigners out of our territory; but we may legislate upon the acts of foreigners within our territory, and upon the acts of our own subjects all over the globe—and the law which exists here against incestuous marriages will in the case of British subjects render those marriages void wherever they are contracted. We had a memorable instance of this in the case of the Sussex Peerage. That marriage was contracted according to certain forms prevailing where it took place, and would have been a valid marriage but for a particular Act of Parliament, by which the descendants of George the Third were disqualified from contracting marriage except on certain conditions. That question was solemnly and unanimously determined by your Lordships; and on the principle of that decision I would caution all persons that they ought not to place any confidence in going to a foreign country with the idea of evading the law of England on that important subject. I was in hopes, that after the overwhelming majority in this House on the question of marriages with a deceased wife's sister, the agitation would have ceased; but it goes on with great activity, and no pains, no money, no waste or expenditure of money, is spared for the purpose of continuing it. It has been said that these petitions contain 90,000 signatures; but what is that number in a country containing 20,000,000 inhabitants? The argument of my noble Friend amounts to this:—"You should follow the example of other nations." But if you follow the example of other nations, you will allow a marriage between the uncle and the niece. That is a marriage allowed not only in Roman Catholic countries by dispensation, but in the Protestant countries of Germany, and I believe in some of the States of America. Are we to follow the example of other nations in allowing divorce at pleasure? Such, to the honour of the Roman Catholic Church, they did not permit; but such, to the discredit of the Protestant Churches of Germany, they do permit. Instead of following such examples, your Lordships should rather desire to become a model to the rest of the world.

The BISHOP of ST. ASAPH: My Lords, the arguments by which the noble Earl advocated the case which he has brought forward so strongly, were chiefly founded on the number of petitions. Now I will answer for it, that with one-tenth part of the agitation, ten times the number of signatures might have been obtained against the measure with the greatest facility. He next urged the law and custom of other countries, and on this point I agree with the noble and learned Lord who has just spoken, and who has expressed what must be the prevailing feeling of your Lordships, that this country ought to be an example to the whole world. Let us do what is right. I believe myself that the question is a question which is settled by the Bible. I believe that the alteration which took place in our Saviour's time with regard to marriages was this—that he put the sexes on an equality; that before, under the Jewish law, they were not upon an equality; that the law of which we are talking was a law which allowed polygamy; and that when the Saviour made man and woman entirely equal, he put us upon a new constitution as far as marriage is concerned. Now let me ask any Englishman this question. Will any Englishman venture to say that he may marry the widow of his brother? Will any Englishman venture to say that he wishes he might be allowed to marry the widow of his brother? With regard to these marriages being voidable and not void, there appears to be some mistake; they were always void, but the jurisdiction was only in the Ecclesiastical Court, and that court only adjudicated by way of remedy, and could only punish a person for the sake of his own soul. [*A laugh.*] I don't know whether I am clearly understood. It does not punish him for the sake of society. It punishes him in order that it may do good to him. Now when the parties are dead, there can be no remedy, and then the civil law is allowed to touch the children. I entirely agree with the noble and learned Lord in the hope he has expressed that this question would have been set at rest by the last decision of your Lordships. Depend upon it, it is set at rest in the opinions of the people of England; and they may go on agitating, and agitating, and agitating, and paying for their agitation—they care nothing about paying, they are paying enormously all over the country—but they will never succeed in carrying their point. Let them take the votes of the women of England, and if they do not find them ten to one against the proposed alteration, I am very much mistaken.

The BISHOP of SALISBURY: My Lords, I am not desirous of entering into this subject, and I rise merely to make one remark. I can only say with reference to the general arguments which the noble Earl has addressed to your Lordships, that they do not appear to me to add anything to those which he brought forward on a previous occasion with such great earnestness and ability, and which were replied to by other arguments which appeared to the great majority of this House to possess much greater weight; and I have no doubt, if the occasion should again arise, that your Lordships will come to a similar decision. My only object in rising on the present occasion is to express the great astonishment with which I listened to the statement made by the noble Earl, that he believes the opinion of a great majority of the bench on which I have the honour of sitting to be that there is no foundation in Scripture for an opinion contrary to that which he entertains on this subject. It would ill become me, and I will not presume, to state what are the opinions of the majority of my right reverend Brethren. But I will say this, that I never in my life heard a statement to which I listened with more unfeigned astonishment. I recollect on the last occasion the rejection of the Bill was moved by my most reverend Brother the Archbishop of Canterbury, whose argument was founded altogether on the ground of Scripture. A most learned and elaborate argument was addressed to the House by my right rev. Brother the Bishop of Exeter, founded mainly on the Scriptural view of the subject. One of my right rev. Brethren, indeed, strongly opposing the Bill on other grounds, expressed a doubtful opinion, or perhaps a positive opinion, that the Scriptural ground was not maintainable; but how the noble Earl has been able to infer that the great majority of my right rev. Brethren are of his opinion, I cannot conceive. I confess, however, that my astonishment was somewhat abated, when the noble Earl said that the opinion of clergymen was almost unanimous on the question.

The Earl of ST. GERMANS: Of large towns.

The Bishop of SALISBURY: The astounding nature of that assertion took away in some degree the surprise with which I listened to the former one. The names of four or five incumbents of populous parishes—gentlemen to be spoken of with great respect—were on the last occasion paraded in reference to this subject; but their authority would have been greater if it had not been coupled with arguments so thoroughly untenable. But I should have thought that nothing could be clearer than that the vast majority of the parochial clergy, whether in populous parishes or not, are opposed to the alteration that is proposed. I must apologise to the House for occupying your Lordships' time, but I thought it not desirable that so strong an assertion should go forth without at least something being said in mitigation of its character.

The Petitions were then ordered to lie on the table.

COUNTY COURTS FURTHER EXTENSION BILL.

Lord BROUGHAM rose to move that the Commons' Amendments in the County Courts Further Extension Bill be considered and agreed to. In consideration of the increasing duties of the County Courts Judges, the House of Commons had fixed the present salaries of those Judges at a minimum of 1,200*l.* per annum, with the power of increasing them to 1,500*l.*, and in consequence of that a clause had been inserted that "after the passing of this Act" no County Court Judge should practise either as barrister, counsel, special pleader, conveyancer, or attorney; in short, confining them to their judicial duties. He should propose as an Amendment on this provision, that the prohibition should come into operation not immediately, but after three months, as some of these gentlemen might have undertaken business not yet completed. The only Amendment to which he anticipated any objection, related to the subject on which he had just presented a petition. The Commons had repealed the prohibition in the Act of 1846, of barristers taking County Court briefs from the parties. In the County Courts alone, of all Courts in this country, great or small, metropolitan or provincial, was there any statutory prohibition of a barrister receiving instructions directly from his client without the intervention of an attorney. The rule and etiquette of the profession was undoubtedly against the barrister going into Court as an advocate uninstructed by an attorney; but there was no prohibition, even by usage and etiquette, against his seeing his client in chambers, for instance, and conferring with him upon matters of a private and delicate nature. Generally speaking, undoubtedly, the usage of the profession required the interposition of an attorney or solicitor between the counsel and the client, and the heads of the profession discountenanced a breach of the usage; but in all Courts except the County Courts it rested entirely upon that usage and that discountenance, and there was no prohibition either by common law or by statute. Why should it be otherwise in the County Courts? If such a practice was contrary to etiquette, prohibiting counsel by law from doing an unprofessional thing was disrespectful to the body. Why not leave those Courts, like all the others in this respect, to the usage and etiquette of the profession? There were occasions when the prohibition might act most injuriously to barristers; when, in self-defence, a counsel ought to be allowed to break through the ordinary rule. He remembered a case in which the breach of the rule was found not only a benefit, but absolutely necessary to the professional existence of a barrister. The instance he referred to was that of a barrister who happened, in his place in Parliament, to give offence to the attorneys and solicitors. The offence consisted of two parts—substantive and formal. The substantive offence was the introduction, in the year 1830, into Parliament of a Local Courts Bill, which the other branch considered would be injurious to them. The formal offence was certain words which the barrister had used, or was said to have used, and were deemed by the attorneys to be offensive to them; and it was of this formal part they took advantage to assail him for the injury which the other part was supposed to have inflicted on them; whereupon they issued a printed circular to the members of their branch of the profession who belonged to the barristers' circuit, advising them to show their opinion of the conduct of Mr. So-and-So who had used such expressions of and concerning them. That meant, of course, to withdraw their briefs from him. There being no statutory prohibition as now in the case of the County Courts; nothing but etiquette and usage to prevent him from adopting the course he thought advisable under the circumstances; he at once gave notice that he should open his doors to clients and see them without the intervention of an attorney. He was joined in that course by others at the head of the profession, who pledged themselves to stand by him, and, if need were, join in taking the same course; and he thus at once put at end to the combination, which he could not have done if such a statutory prohibition existed with reference to the Superior Courts as now did with reference to the County Courts. It was said that usage and etiquette and discountenance by the heads of the profession might suffice in the Superior Courts, but would not have the same operation in the inferior. But we trusted to these things in all the inferior Courts, except the County Courts—in cases as far removed, and further, from the guard and check afforded by the superintendence of the heads of the profession—in bankruptcy, insolvency, police courts, criminal courts, cases before justices at quarter-sessions, or before two justices or a single justice—in all these the prohibition existed not; and yet if anything irregular or unprofessional were done by a practitioner, it would be much more likely to escape attention in the crowd of Westminster Hall than in a country place, where the bar was small in number, and where all eyes were upon each of its members. He could hardly describe to their Lordships how greatly the bar had suffered from the want of some such protection as would be afforded them by the reinsertion in this Bill of the repealing clauses which their Lordships had struck out, and the power thus given of recovering briefs from parties directly—a power, however, which he advised should not be used otherwise than defensively, for he approved of the etiquette which required the intervention of an attorney. With regard to cases in the Nisi Prius and other Superior Courts, he was of opinion that it was expedient to discountenance the practice of barristers taking briefs without the intervention of attorneys; and he did not see how, in ninety-nine cases out of a hundred, it would be possible for them to do so. Indeed, if counsel were to see witnesses, and take down their evidence, they would require the assistance of persons who were half barristers clerks, and half attorneys, to discharge some of the duties of attorneys. In some parts of the country, however, the members of the bar were told by attorneys, "It is as much as your professional existence is worth if you ever cross the threshold of a County Court. If you take a brief in a County Court, we will give you no briefs on circuit, at sessions, or in bankruptcy." Now, the bar might protect themselves against such interference by going into Court without the instructions of an attorney, and it was most fit that they should have that protection. He ventured, therefore, to hope that their Lordships would adopt the Amendments of the House of Commons, which had received the sanction of the present Attorney and Solicitor General, and also of the late Attorney and Solicitor General. He might add, that he thought it important that the practice of attorneys acting as advocates should be discountenanced, though he saw the difficulty of preventing it, and he now placed much reliance on the provisions which some of his noble and learned Friends had introduced with this view, and which the Commons had rejected. He begged to move that their Lordships do agree to the Amendments introduced by the House of Commons.

The LORD CHANCELLOR observed, that the subject to which the noble and learned Lord had referred was one of very great importance. He had taken no part in the discussion on a former occasion; but for his own part, he would never have agreed to the enactment which prohibited, in words, barristers from acting without the intervention of attorneys, although no one disapproved of such a practice more than he did, and no one would be more anxious to prevent members of the bar from resorting to such a practice. He would not, however, have consented to stigmatise the bar by providing that they should not do that which it was discreditable to do according to the general feeling of the profession. The members of the bar, if they were not amenable to the Judges, were amenable to their own Societies; and if a barrister were to misconduct himself by acting as an attorney, it was quite clear that such conduct would be animadverted upon by the Society to which he belonged; and if he persisted in it he would doubtless be disbarred. A man belonging to the profession necessarily became obedient to its rules, for he would at once become an outcast from professional society if he pursued a course at variance with professional etiquette. He (the Lord Chancellor) would therefore have left the matter to the high and honourable feelings of the members of the bar themselves. He would never have agreed to a law which stigmatised the practising of a barrister in the County Courts without the intervention of an attorney, when in every other court the bar were left to their own feelings of honour. The provision of which he disapproved having been rejected by the House of Commons, as the Bill now came before their Lordships with the authority of the Law Officers of the Crown, and of the other House of Parliament, he was unwilling to offer it any opposition. The consequence of the alterations made in the measure would be that the bar would be left in the County Courts upon the same footing on which they stood in all other courts; and, if it were found that the result of such alterations was the misconduct of individual members of the bar, he would be as ready as any one to strike at that misconduct, and to restore the bar to that position which it ought to hold in public estimation. He thought that each grade of the profession should maintain its own proper station; and if they would receive a word of advice from one who had long experience, he could assure them that by maintaining their own position they would far better guard their own interests than by taking any other course. He would neither elevate an attorney to the position of a barrister, nor would he allow a barrister to enact the part of an attorney.

LORD LYNDHURST was understood to express his approval of the Amendments introduced into the Bill, on the ground that they would tend to protect barristers against the combinations of attorneys, who were endeavouring to drive them from the County Courts.

LORD CAMPBELL stated, that it was not his intention to offer any opposition to the Bill. He thought the two grades of barristers and attorneys should not encroach upon one another's functions, and that the due administration of justice in this country depended very materially upon the line of distinction between those classes of the profession being maintained. He had been apprehensive that the withdrawal of the prohibition which had been imposed by Parliament would seem like giving a sort of Parliamentary sanction to the encroachment of the barrister upon the province of the attorney; but, after the authoritative declaration of his noble and learned Friend, he thought the honour of the bar and the interests of the public would be as safe in the County Courts as in the Superior Courts at Westminster Hall or upon circuit.

LORD CRANWORTH having intimated that he would not offer any objection to the Amendment,

Amendments *considered* and *agreed to;* and Bill sent to the Commons.

OUTRAGE ON A BRITISH SUBJECT AT FLORENCE.

LORD BEAUMONT rose, pursuant to notice, to draw the attention of the House to the correspondence respecting the assault committed on Mr. Erskine Mather at Florence. It was now some time since the papers to which his notice referred had been laid upon the table, and their Lordships had therefore had a full opportunity of making themselves acquainted with their contents. Although the papers themselves professed to refer to an incident which was certainly of an unfortunate, but which also was in some degree of a personal, character, other grave and far more important questions had arisen in the course of the negotiations on the subject. Moreover, their Lordships would observe, that a case which appeared in the first instance simple in itself, and admitting of easy arrangement, had been so conducted in its subsequent stages, that a process similar to that applied to the Gordian knot would be alone capable of unravelling it. The matter had attracted great attention both in-doors and out of doors; it had been the subject of a debate in the other House of Parliament, and had been commented upon in many of the public prints. Indeed, charges had been directly made against the Government, that sufficient attention had not been paid, in the conduct of this business, to what was due to the dignity of this country. He thought, therefore, that he was not only fully justified in bringing the subject under the notice of the House, but that these circumstances rendered it almost an obligation on the part of their Lordships to take some notice of the papers to which his notice referred before the close of the present Session of Parliament. In calling attention to these papers, he would avoid, as far as possible, anything like mere verbal criticism or allusion to trivial points, and would dwell upon those matters alone in which he thought a principle was involved, or which were of material importance in respect to our relations with certain foreign countries for the future. He would divide the subject into two parts: first, that which referred merely to the incident itself; and, next, the questions which arose out of the negotiations to which that incident had led. With regard to the first point, it must be taken for granted that when an Englishman travelled in foreign countries, he was entitled to the full protection of the Governments of those foreign States, so long as he obeyed the laws of the State, and complied with the usages and manners of the country, so far as not wantonly to offend even the prejudices of the people. When a person thus complying with and obeying the law received a wrong, if such wrong was inflicted by another private individual in no way representing the authority of the State, it became the duty of the person injured to seek redress, in the first place, according to the laws of the country, and not to call in the assistance of the representative of his own country to interfere in his behalf. When, however, it happened that the person inflicting the wrong was acting under the Government of the country, or performing any duty placed upon him by that Government, the question assumed a totally different aspect; and then, instead of appealing, in the ordinary way, to the law as between individuals, the injured person certainly had a claim upon his own country to demand some kind of reparation for the wrong inflicted upon him by persons representing the Government under whose protection he was at the time placed. He would now ask their Lordships' attention to the unfortunate events which gave rise to the negotiation to which he wished to call their attention. [Here the noble Lord recapitulated the leading facts connected with the assault, which have been stated in previous debates. [*See* vol. cxxi. pp. 1172, 1263, &c.] The noble Lord then proceeded to comment upon these statements.] It was as clear as possible, from the evidence before their Lordships, that Mr. Mather in no way attempted to offer the slightest insult to the officer who struck him, either by gesture, word, or motion. It appeared that he was simply following the band and listening to the music. Whatever the officer might afterwards say was the impression on his mind, it was clear the youth had no intention whatever to insult him or any other person. For it seemed that when the brother went to Prince Lichtenstein, and was telling his story, the Prince, having heard a different story from the officer, said—"Oh, but your brother put his arm thus." "No," said the youth, "he did not do that, but merely turned round to ask the meaning of the blow from the officer." Prince Lichtenstein said afterwards distinctly, that the result of the inquiry instituted among the soldiers was entirely in conformity with what Mr. Mather's brother had told him, confirming the fact that the youth had not in any way put up his hand; and their Lordships would also find it stated at page 49 of the printed papers, as the result of the inquiry on the spot, "that the Englishman did not in any manner offend the Austrian." Even Radetzky said, "The accident was without intending any offence on the part of the Englishman." The evidence was equally clear that the offending officer had no intention whatever to insult or injure any Englishman. They certainly did not know the man was an Englishman, and could have had no anti-English feeling in the steps taken; nor had they any individual or personal feeling against Mr. Mather, being ignorant of who or what he was: the fact was, they took him for an Italian; and they seemed to have been in the habit of spurning Italians out of the way, as they did dogs, and the angry feeling which was exhibited on the occasion in question was merely the result of the anti-national feeling which existed on the part of the Austrians towards the Tuscans. As soon as the event, which was rather serious in its nature, had occurred, and the wounded man had been conveyed to the hospital, Mr. Mather's brother went to Mr. Scarlett, and represented the matter to him. It appeared that the two Mr. Mathers, and afterwards their father, when he arrived at Florence, invariably said that they were content to leave everything in the hands of Mr. Scarlett. They did not specify what they wanted further than redress for an insult wantonly inflicted on a peaceable and unoffending Englishman by an officer on service. They neither asked for a judicial inquiry nor damages, but merely said that they left the matter entirely in his hands, to do as he should think fit. At first, it seemed, Mr. Scarlett sent the brother of Mr. Mather with a letter to Prince Lichtenstein, who, he said, was a good-natured man, and would hear his story. It appeared to him

(Lord Beaumont) that Mr. Scarlett, seeing that Mr. Mather had placed the matter entirely in his hands, would have done better if, instead of sending the youth to Prince Lichtenstein, he had examined into the matter himself, and decided at once whether he should proceed in an unofficial manner with Austria, or in an official manner with the Tuscan Government; and the impression left on his mind by the correspondence in the case certainly was, that, if Mr. Scarlett had chosen, the matter might easily have been unofficially arranged at an early stage of the affair; because Prince Lichtenstein was soon convinced that no insult was intended on the part of Mr. Mather; and if, therefore, the officer on service, Lieutenant Forsthüber, as well as Lieutenant Rarb, who was not on duty, had been placed under arrest, and an expression of regret had been tendered on the part of Austria for what had been done, there would have been little difficulty, he thought, of arranging the matter, especially as the person injured claimed no compensation, but merely desired that the honour of his country should be vindicated. Mr. Scarlett, however, did not attempt to arrange the matter unofficially; and not having done so, in his (Lord Beaumont's) opinion, he had no choice but to proceed against the Tuscan Government officially; and that from that moment Austria was rid of the whole question. He was aware that in another place a different opinion had been expressed; and he had been told by others, for whose opinion he entertained a high respect, that it was a mistaken course to apply officially to Tuscany, and that Mr. Scarlett ought to have applied to the Austrian authorities. But what would have been the consequence if Austria had been applied to instead of Tuscany? To have done so would have been at once to have acknowledged that Tuscany was subordinate to Austria; and he believed our Government would have got what they desired on very easy terms, if they had so acted as to acknowledge that Tuscany was a part of Austria, as much as Lombardy was. But if they had done so, they would never afterwards have been able to have treated with Tuscany in matters of commerce, or in anything else, as an independent Power: all our applications in regard to commerce or any other subject must thereafter have been addressed to Austria, from the position in which we ourselves would have placed her. On this point, therefore, he was of opinion that Mr. Scarlett and the Government were completely right in saying that Tuscany should be responsible as long as she maintained her independence—that while exercising the rights she must take the obligations of an independent Power. Up to this point the late Government was in power. There was one passage, however, which he found in a despatch by Lord Granville which he confessed he could not exactly understand. It was as follows:—

> "But if this inquiry is not fairly conducted, and influence is used to suppress the truth, the British Government will be obliged to ask for reparation for this outrage upon an offending and unarmed British subject from Austria."

This certainly seemed to him to be rather inconsistent; because, having once declared that Tuscany was responsible, he did not see that the Government were at liberty to travel from Tuscany to any other Power; otherwise, if they went to Austria because Tuscany refused redress, they might in the same way ask redress from the German Diet if they did not get it from Austria, and so go round the whole world. But their duty was to fix upon some one Power, and make that Power responsible. He did not, therefore, understand the bearing of this passage. But, however, up to this point the case seemed to be perfectly clear. The question then arose as to what was "full redress." He (Lord Beaumont) did not profess to say what was proper redress; but this he would venture to say—that there was only one party who could properly decide that, and that was the Government of this country. It was not for Mr. Mather to do it. Mr. Mather was out of the question. This case had been taken up officially; there was nothing of a personal nature in it; it was a question between the Government of Great Britain and the Government of Tuscany, and it was for the Government of Great Britain to say what they considered to be proper redress. Mr. Scarlett, it appeared (not at the request of Mr. Mather, but as representing England) called for what he designated a full judicial inquiry. He received an answer from the Duke de Casigliano which showed that he had not the slightest intention ever to give what we would call a full inquiry. He said that he would give an inquiry in order to ascertain the whole truth, which was evidently a quibble. His intention was merely to establish a private inquiry for the satisfaction of the Government, in order to get at the merits of the case, and without the slightest view of proceeding to trial, of obtaining a verdict, or of going to a public court, or doing justice in any way. A description of the kind of court of inquiry which was used on the occasion was given in many parts of the papers on their Lordships' table. First of all, none of the parties were admitted. A distinguished person was engaged as an advocate; but he was never of any use. He never could have appeared, and never did. Mr. Scarlett, after noticing the evidence that was taken, said—

> "The power of the Tuscan tribunal here ceases, for the open court into which the case would now naturally be transferred, is not competent to judge an Austrian soldier in Tuscany, he being amenable only to the military laws and jurisdiction of the army in which he serves."

Well, what took place after this inquiry? It appeared that the Duke de Casigliano treated Mr. Scarlett in an extraordinary manner. He first made the inquiry, not allowing any person to be present; he then sent the report of the inquiry to the Austrian authorities; but not to Mr. Scarlett. Mr. Scarlett was obliged to apply to him for a copy of the document, which the Duke sent him at last, not as a right, but as a favour. The whole of the evi- might be called a mere *ex-parte* statement; but this he must say, that while the Tuscan court of inquiry was not what he desired, it was purity itself compared with the court of the neighbouring country of the Roman States. The inquiry, so far as it went, seemed to have been fairly gone about. There was no evidence that the witnesses were either threatened or tampered with, or any steps taken to prevent them speaking as candidly and fairly as they would have done anywhere else. The result of the inquiry was, as he had already stated, that "the Englishman did not in any manner offend the Austrian." When the present Government came into office they had all these particulars before them, the matters had been fully investigated; no further inquiry was necessary; the Government had only to specify the redress, and stick to it. He regretted to say that the first step taken by the noble Earl opposite (the Earl of Malmesbury) was one which did not become his place, and ought upon no ground to have been taken. The noble Earl invited Mr. Mather to do that which it was the duty of the Government to do—namely, to assess the damages in a case pending between the two Governments. He called upon a private individual—the man who was actually a party concerned—to state what should be the amount of reparation for the injury done in his person to the national honour. A more extraordinary proposal it seemed impossible to imagine. But what did Mr. Mather do? He all along said he was unwilling to give any opinion on the subject. He more than twenty times declared that he wished to leave the question entirely in the hands of the Government. He said, "what that should be it is for Lord Malmesbury, who represents British interest and British honour, and officially secures protection to British subjects abroad, to decide;" and if Lord Malmesbury had at once stated what it was to have been, Mr. Mather would not have said another word on the subject. Mr. Mather left himself completely in the hands of the Government, and by their determination he would have been bound. He stated further—

> "Lord Malmesbury having been pleased to indicate that he thought personal reparation should be obtained by Mr. Erskine Mather, and to desire Mr. Mather's opinion on this point, he begs to state that it is with the utmost pain that he addresses himself to it, and that nothing but the official commands of his Lordship should have made him deviate from the uniform course he and his unfortunate son have invariably taken in this matter, of refusing to make it a personal question, but one of a higer and more important nature."

Then, again—

> "Mr. Mather again begs to repeat to his Lordship that this is the most painful part of the duty imposed upon him in all the trying circumstances with which this unfortunate affair has been attended, and that respect for the views and wishes of Lord Malmesbury have alone induced him to express an opinion upon this point of the question."

Under these circumstances he really thought it was hard to have forced Mr. Mather into viewing this as a case for pecuniary compensation.

The EARL of DERBY: Read the paragraph about the 5,000*l.*

LORD BEAUMONT:—

> "Mr. Mather, taking into consideration the grievous injury inflicted, the risk of his son's life, his sufferings, the continued injury to his health, the eventual uncertainty of future results, the party that inflicted it being the officer of a Government which has been implicated by his act, and the probability that an appeal for reparation in an impartial court, and on the principles universally recognised, would have produced a large amount of reparation in such a case, Mr. Mather names to his Lordship 5,000*l.* as what seems to him, under all these circumstances, just and proper, and as not overvaluing the injury and its probable consequences to his son."

Before that, however, Mr. Mather submitted—

> "That some marked punishment for an act proved by the sworn evidence of impartial witnesses to have been gross and unprovoked should be inflicted upon the offender, such as is fitting for an act of that description committed upon a British subject by an armed officer of another country at amity with Britain. What that should be it is for Lord Malmesbury, who represents British interests and British honour, and officially secures protection to British subjects abroad, to decide."

The whole question there put forward by Mr. Mather was British honour and British interests, and, taking that into consideration, he assessed the inquiry at 5,000*l.* [The Earl of DERBY: No, no!] That, at least, was the construction which he put upon it, and which he contended it bore. It had been said that the sum named was exorbitant; but he remembered that some years ago a Mr. Churchill was at Constantinople, went out shooting, and was taken up as a trespasser by the proprietor of the land, was charged before the Cadi, and ordered to be bastinadoed. After that transaction England rose up. Here was a British subject grossly insulted by a Turkish Cadi, and there must be reparation. What did the Government do? In the first place they insisted on the Cadi's being dismissed. The brother of the Sultan was reprimanded for having defended the Cadi, and the Turkish Government was made to pay 4,000*l.* to Mr. Churchill. Mr. Churchill got 4,000*l.* for a slight bastinadoing on his feet; and this unfortunate gentleman, who had been nearly killed, was denied 5,000*l.* The moment the matter resolved itself into a money affair it became a question of bargain, and as such was treated. The English Minister was set to work "to get what he could." It was thenceforth a race between the Tuscan Government and the noble Earl: it was a contest such as the Israelitish race were perhaps the most competent to engage in, and he must say that the noble Earl did not appear at all at home in the character, and did not play the part nearly so well as the Tuscan Government. Writing on the 9th of March to Mr. Scarlett the noble Earl said—

> "The sum asked by Mr. Mather is exorbitant, but you will be able to judge what can be got. A pecuniary compensation is at least tangible. You must hold firm language on both subjects. I do not think that we should take less than 1,000*l.* If, however, you get the Tuscan Government to admit that some compensation is due, it will not be very difficult for us to fix the sum."

He did not think that it was fair, after Mr. Mather had repeatedly said that he did not wish to make it a money question, for the noble Earl to state that Mr. Mather considered the injury one that might be atoned for by money; and, as might have been anticipated, it had seriously injured him at Florence. The noble Earl still went on endeavouring to see what could be got, and, not succeeding very well with Florence, he appealed to Austria to assist him, but Austria, very wisely, refused to aid in putting the screw upon Tuscany. When the memorandum was placed before Tuscany, stating that they had brought the matter to a money consideration, and naming 5,000*l.* as the sum proposed, the horror that was created in that Government was something indescribable, and at once they denied all responsibility, while at the same time they maintained their independence. He must say that the conduct of the Tuscan Government throughout had been most disgraceful. The noble Earl then should have taken every step to insist upon the responsibility of Tuscany, and he must do him the justice to say that he never once did abandon that point, although Mr. Scarlett, in a despatch laid upon the table that day, appeared to think that Tuscany was not responsible. The unfortunate bargaining still proceeded. On the 9th of April the noble Earl wrote to Mr. Scarlett, "You must, if possible, get 500*l.*" After that it seemed that Austria evinced some inclination to help Tuscany, and almost offered to pay the money for her. Of course, that could not possibly be recognised on the principle which we held to be correct, because, if so, we should have admitted, what Austria maintained, that in Tuscany her troops were in no way responsible to the Tuscan Government. The noble Earl, however, never lost sight of the bargain. He then wished to propose an arbitration, and at last he actually said he didn't much mind who paid, but, as before, he said, "Get the money; let it appear to come from the Tuscan Government, and try to get it before the present Tuscan Government is turned out." The noble Earl added that it would be awkward to take it from Austria, but that Austria might urge the arbitration, and so it might be obtained. Matters were in this state when, unfortunately, Mr. Scarlett fell ill, and Mr. Barron appeared upon the stage. Mr. Barron's first business was to send off a despatch with the glorious news that the question was settled, not by the payment of 5,000*l.*, as Mr. Mather had demanded, nor of 1,000*l.* which the Government could not get, nor 500*l.*, which they consented to take, nor by the arbitration they had offered—a miserable thousand *francesconi*, or about 240*l.* was all the money that could be got. But then there was something more. Two persons named Stratford, who, he believed, had been guilty of some grave offence, were thrown in to make the reparation complete. He did not suppose that the Government had been consulted on this arrangement; but certainly it did appear to him to be the most extraordinary that could well have been devised. Because A did an injury to B, reparation was made to B; by conferring a favour upon C and D, who had done an injury to A. Then came a letter from the Duke of Casigliano, who said that the money was not given in reparation of an injury done, not in acknowledgment of any wrong, but as a very kind piece of liberality on the part of the Grand Duke —as if he had given it to a beggar, who had no claim upon him. That letter was insulting in the extreme. He had now gone through the more important part of the papers before the House; but the great and salient points arising out of this question were the independence of Tuscany, and the position in which our relations with that country were placed in consequence of its occupation by Austria. He maintained that as long as the present disgraceful condition of the Ducal and Papal States continued in Italy, as long as Tuscany and the Roman territory were occupied by foreign forces, so long should we be subjected to cases similar to the present. This was but one instance, only an illustration, of the great evils which might accrue. All negotiations between other Powers and the central Powers of Italy were, in consequence of this, in an unnatural position. Unfortunately, it had been the policy of Austria to encourage every kind of misgovernment in the Roman and Tuscan States, in order that they might contrast unfavourably with Lombardy. She had urged upon the Dukes of Parma, Modena, and Tuscany, as well as upon the Pope, to adopt a system hostile to all social improvement, and destructive of everything like civil and religious liberty. Nay, Austria had gone so far as to encourage those Powers to abandon what little good yet remained in their countries; and Tuscany, which under the laws of Leopold II. had been happy, was now threatened to have those laws abrogated, and to be driven back into that state of barbarism in which the Legations of Bologna, Ferrara, Forli, Ravenna, and the other ecclesiastical States, were at this moment. In that attempt Austria had been well supported, and had found a ready instrument in what was called "the clerical party" in those States. In consequence of the proceedings of that party, a state of affairs now existed in all those parts of Central Italy which would almost justify a general rising of the people, both against their sovereigns and the foreign allies of their sovereigns who at present occupied their territories, and such a rising might, perhaps, before long become inevitable. Under these circumstances, he maintained that it was the duty of the great Powers of Europe, and of England in particular, to urge upon the sovereigns of those countries such social ameliorations, such improvements in their government, as might at least reconcile to them the people whom they governed. If that were done, the necessity for the presence of Austrian troops to assist in enforcing these police regulations would no longer exist. Those troops, therefore, would be obliged to withdraw, and our relation with those countries would be placed in its natural and original position. Unless some step should be taken by the great Powers in that direction, he saw no end to the threatened anomalies that might arise, and to such cases as the one under consideration. He thought it extremely desirable, therefore, that they should do something in imitation of the course that was taken by the great Powers in 1834, when they impressed upon the Papal Government the necessity of social reform. Believing, therefore, though this event might at first sight appear a mere incidental occurrence, that justice would not be done unless the Austrian troops were removed from Tuscany, Parma, and Modena, he should conclude by moving—

> "For an Address to Her Majesty for a Copy of the instructions to Sir Henry Bulwer, in which the nature of the Redress demanded in the case of Mr. Erskine Mather is stated."

The EARL of MALMESBURY: My Lords, I will not detain your Lordships by going into a detailed account of the circumstances of this case, because the noble Lord opposite, to whom I am obliged for bringing the question forward, and for giving me an opportunity of saying a few words upon it, has given an account, as near being correct as possible, of the circumstances of the accident and assault that Mr. Mather has suffered. When it first became my duty to consider the case, I looked upon that assault—as I always said it was, and have written more than once in these despatches—a brutal assault. I think there was no excuse whatever for it. It was the act of violence of a passionate man, acting without self-control, and having been excited to passion without any sufficient cause. Holding that to be the nature of the outrage, I naturally looked upon it with the same indignation that it excited in the breast of every Englishman to whom it became known. When the matter was first mentioned in this House by the noble Earl who was then Secretary of State for Foreign Affairs (Earl Granville), your Lordships will recollect the impression that the account made upon us; and I did not undervalue, as many persons have undertaken to say, the brutality of the outrage that was committed. But I cannot say that I go as far as many people have gone, and apparently the noble Lord lately at the head of Her Majesty's Government, in supposing that the assault, in its nature and details, was an assault upon this country, or, what is commonly called, a national insult and an outrage upon the honour of Great Britain. I beg your Lordships to consider what would be the consequences to this country and its people with regard to other nations, if we laid down as a rule that an Englishman who receives an affront or assault from any foreigner in a foreign country, is so identified with the national honour of Great Britain, that the moment he is struck, it is to be held that the national honour is also stricken. Supposing even this assault to have been of a fatal character — supposing a murder to have been committed on an English subject—a much more serious case than assault—what would be the consequences to this country if we were bound to consider ourselves nationally insulted, and called upon to revenge that insult with the whole dignity and strength of the Empire? I look upon the case to be this: An Englishman in a foreign country, who may be insulted and injured—as a foreigner may be insulted and injured in this country, or may be insulted and injured like the native of the foreign country in which he is living—a person so injured is entitled to the same privilege that he enjoys here, namely, to the protection of the laws of that country. If the laws are justly dispensed when he appeals to the tribunals of that country, I don't think he has a right to ask for or expect more. I do not think the Foreign Office is justified in interfering in such a case until justice is publicly refused to the English subject by the tribunals that are open to the natives of that foreign country. My noble Friend opposite (Earl Granville) has departed from his official existence; but if, in alluding to the noble Earl, or anything that may have been done by him, I shall be mistaken, the noble Earl will be able to make a posthumous defence and to correct the error; but I do not scruple to tell him, that although I think his object was honourable and patriotic, and that he had in mind that successive offences had been committed on British subjects in Tuscany, and that it was time that those offences should be arrested, I feel my noble Friend was wrong in bringing the Foreign Office into action before the Tuscan authorities had closed their Courts to Mr. Mather, and before Mr. Mather had failed to establish his suit, and to obtain from the civil Courts of Tuscany that reparation to which he was undoubtedly entitled. On the 27th of February Her Majesty's late Government made way for the present Administration; and the position in which I found the case then was this: Mr. Mather had been, as I have said previously, injured and insulted by an Austrian officer, and he had more than one course which he might have followed to procure redress. Had he lived thirty years ago, I think he would have done as many of your Lordships would have done at the age of eighteen, with the opinions that then prevailed in this country and on the Continent, and have taken other measures than he did take. In those days it was not usual to appeal to the Secretary of State. An Englishman who was insulted would have settled the affair with his own hand, called the perpetrator of this outrage to account, and obliged him personally to make him an apology for the affront he gave him. I do not blame Mr. Mather for not adopting that course: our opinions have fortunately changed on those matters, and the progress of civilisation shows Englishmen that such a manner of settling differences is no longer practicable; and certainly would not be defensible in public opinion. That was the way in which gentlemen formerly, and even at a late period, sought reparation for an offence. I am glad that the practice of duelling is obliterated from our customs; but I should be sorry to think that another practice, identified and going hand in hand with the custom of duelling, should be also at an end—I mean the practice, or rather the opinion, that it is not a compromise of dignity or honour on the part of a gentleman if he has insulted another to make an apology. I hope, because duelling is done away with, the idea is not entertained that apologies are never to be offered, or that when offered they are not worthy of acceptance. I think where an insult is not meant to be an insult—where it is not premeditated or intended—an ample, full, and gentlemanlike apology ought to be, generally speaking, sufficient to satisfy any man. A man's honour must always be in his own hands, and therefore I don't say that Mr. Mather was wrong in refusing to accept the frank and ample apology that was offered to him. It was offered through the Commander-in-Chief, who proposed to send Lieutenant Forsthuber, with another officer who spoke English, to Mr. Mather, and if Mr. Mather said he had meant no offence to the Austrian officer, the officer was ready to make any apology Mr. Mather might insist on. Mr. Mather refused that offer; I don't say he was wrong—I am only stating the position in which he found the case—he would not take reparation by his own hand, and he refused to receive an apology. He went further—he positively refused to go into a civil Court, and the opinion of his father from the beginning seems to have been that, because his son was insulted, it was a national insult. But in my interviews with Mr. Mather, I never would assent to that proposition, but observed throughout that the impression was in Mr. Mather's mind that this was a national insult, to be avenged by the Secretary of State to Her Majesty. Five days after I came into office, Mr. Mather—not invited, as the noble Baron has said, by me—not in any way required by me to come to the Foreign Office, came on his own accord, as he said, to consult me on this business. He spoke to me in the sense I have tried to describe; he sought to make it a national insult; but I refused to recognise it as such. I said the national honour was in my hands, and was no business of his, except so far as any Englishman must be concerned for the honour of his country. I said that it appeared to me that the question was divided into two heads: first, I believed it to be most essential that Her Majesty's subjects in Tuscany should hereafter be protected by a public admission of the responsibility of the Tuscan Government; and that, in the next place, I thought that Mr. Mather ought to endeavour to obtain reparation for himself. Reparation was the word used throughout; and I asked him what he considered was reparation? He said he left it to me to say what the reparation should be. I told him I thought he should be treated in Tuscany as a Tuscan should be treated whilst he was in England—that if a Tuscan in England were grossly assaulted he would appeal to a court of justice for damages—that he had a right also to have damages paid to him—and that if he liked I would use all the influence of my position to obtain those damages as reparation for the injuries that had been inflicted upon him. Mr. Mather did not object to that course, but asked me for two days to consider and consult with his friends. He asked me how much the damages should be; and I said as he was to consult with his friends, he should consult with them on that point also. I am told I was wrong in not stating the sum. I think I was not wrong. A man who goes into a court of justice generally mentions the sum he claims, and the jury says whether it is too large or not. Therefore, I don't think I departed from the course that is generally taken in analogous cases, that is, in cases where personal injury is suffered, keeping entirely separate the much more important question of the responsibility of the Government of Tuscany for the protection of Her Majesty's subjects in that country. I will not notice in this House what has been said of me in the public prints; but I hope I may be allowed—even although it may be somewhat out of order—to allude to what has been said in "another place." A noble Lord —no less a man than Her Majesty's late Prime Minister—has chaged me three times in his speech with a great omission on first starting in this case. He dwelt upon it, and said I had omitted to consult the Queen's Advocate. That indeed would have been a great omission on my part, if it were one that I could have avoided; but do you know why I did not send for him to consult with him? Because there was no Queen's Advocate to consult. Your Lordships will bear in mind that the late Government resigned on the 20th of February, and that a week elapsed from the 20th to the 27th of February, during which they merely held office until their successors had been appointed. The administrative functions had ceased; but it would appear that their creative functions had not ceased, for between these two dates, while the Government was on its death-bed, they evinced their gratitude to some of the able and distinguished men for their services rendered them during their lifetime, by rewarding them as far as lay in their power. Among others, was that able and highly-gifted gentleman the late Queen's Advocate General; and on the day of the funeral of the late Government, and on the day before the funeral of the late Sir H. Jenner Fust, he was appointed—

LORD CAMPBELL: Who is appointed by the Archbishop of Canterbury, and the appointment, therefore, in no way rested with Her Majesty's Ministers.

The EARL of MALMESBURY: The noble Lord is perfectly correct; but whether he was appointed by the Government or the Archbishop of Canterbury, I have no doubt he was recommended to the notice of the Archbishop, and I do not find fault with it, for I think it was a well-merited promotion; but all I say was, that Lord John Russell knew it. Well, such being the case, the Queen's Advocate, called upon to fill a high judicial office, is not of course appointed without consideration; and in the present instance the Government was for some days without the assistance of this officer, in consequence of the period necessary for his induction before he could attend at the Foreign Office. And now, my Lords, let me say a few words in reference to the question, from which of the two Governments—the Government of Austria or the Government of Tuscany—redress was to be asked? A noble Lord, occupying no less a position than that of a late First Minister of the Crown, and another noble Lord almost equally distinguished, have thought proper to blame me because I sought redress from the Government of Tuscany instead of that of Austria. I have told your Lordships before that we were left without the advice of the Queen's Advocate, that we had nothing but our own judgment and common sense to rely upon; but, my Lords, it seemed both just and reasonable that we should apply to the Tuscan Government and not to the Austrian, and that it was of the highest political consequence that we should not recognise the Austrian on this occasion, but should adopt a course equivalent to a denial of the supremacy of Austria over Tuscany—and we acted on that judgment without doubt or hesitation; and my astonishment was great, indeed, when I found that a course adopted with such a view had been blamed by the noble Lord (Lord John Russell) in another place. In 1849, when the same army occupied Tuscany, there were perpetrated in Leghorn far greater acts of violence towards British subjects than that which now forms the subject of the discussion. It is true, my Lords, that in that case the outrages were against British property; but an outrage on British property equally affects the national honour. Her Majesty's Government for the time being, acting doubtless on the best principles of common sense, and having consulted the Queen's Advocate, took the course which appeared to them most expedient; and you may judge my astonishment, my Lords, at the strictures pronounced on me when I read the following letters from the noble Lord who then conducted the Foreign Affairs of this country. [The noble Earl then read extracts from despatches written by Viscount Palmerston to Sir George Hamilton, and to Lord Ponsonby, dated respectively August the 8th, 1849, and April 30th, 1850, in which the noble Viscount referred to the losses sustained by British subjects in consequence of the entrance of Austrian troops into Tuscany, and which he required to have made good, observing that inasmuch as the losses complained of were occasioned by a body of troops that had entered Tuscany, having been called in at the express desire of the Grand Duke, and the losses not having been occasioned by the necessary operations of war, Her Majesty's Government must consider the Tuscan Government responsible for them. And on the 30th of April, in the following year, Lord Palmerston, writing to Lord Ponsonsonby, said that his Excellency was to state to Prince Schwarzenberg that as these losses had not been occasioned by the necessary operations of war, they must hold the Tuscan Government responsible.] It is very satisfactory to me to know that I followed exactly the same course as that taken by my predecessors in office; and I cannot, of course, attribute to the noble Lord lately at the head of the Government anything but a forgetfulness of the acts of his own Government, when he reprimanded me—and so publicly reprimanded me—for having sought redress from Tuscany instead of from Austria, under analogous circumstances. I am not aware that the noble Lord opposite (Lord Beaumont) has found fault with me for anything, except that I did not name the sum to which Mr. Mather was entitled as compensation, and that I did not demand a larger sum than that which was awarded to him. Now I am sure that none of your Lordships would, for the sum of 5,000*l.*, endure the pains and dangers to which Mr. Mather was subjected; but we cannot in that way judge of the amount of the compensation to be awarded, or the result of an action for damages in a court of law. Your Lordships will recollect that in such matters we must be governed by the customs of the country, and what is usually awarded in similar cases, and you will also remember the difference between the value of money in this country and in a foreign State. But I have been accused by the late Prime Minister of dishonouring Mr. Mather. The noble Lord accused me of taking away the character and the independence of an honourable gentleman by the interference of "Her Majesty's Go-Government." There is no ground whatever for such an assertion. We have in this country done away with duelling, and it is the commonest thing in the world for men of the highest rank to go into a court for an assault—and indeed actions in a court of law are now the only means of reparation; and if a man in such a case sues for damages, he is not necessarily supposed to be influenced by a desire to obtain money, but by a wish to obtain a recognition that reparation is due. As regards the amount that should be fixed, it is difficult to estimate that in any case. In Dublin a trial has recently taken place, in which a widow had, under the Act of the noble Lord opposite (Lord Campbell's Act), sued a steamboat company for damages for the death of her husband, who had been drowned in crossing from one steamboat to another. Your Lordships will recollect that this was a case of death—in Mr. Mather's case it was a loss of blood. Damages were given of 500*l.*, and costs; and the Chief Justice, in reference to the offer of this sum by the defendants, had said, "It was an offer fair and becoming, and such as he should have expected from an influential company." Now if the Chief Justice used these words in reference to an offer of compensation for death, it surely could not be said that the compensation demanded in Mr. Mather's case was unbecoming of the Government. But the noble Lord (Lord Beaumont) had altogether mistaken this case. I was not asking for damages to compensate the injured honour of England, for I never admitted that the honour of England has been touched. I have always asserted that Mr. Mather, as an individual Englishman, had a right to personal, but not to national damages—to such damages as he would have obtained in his own country. I may have been mistaken in my views, but I trust I shall not be misrepresented in the course I took, and the object I had in mind. And now, my Lords, I will candidly avow that in one part of this transaction I have been to blame. On a Saturday (the 22nd) I received what I believed to be the final despatch, settling the question not satisfactorily to me, as I stated to Sir Henry Bulwer, supposing, as I did, that Mr. Scarlett had departed from his instructions, only with regard to the amount of money to be paid, but had not waved the principle of the responsibility of the Tuscan Government. Afterwards, other despatches arrived, one of which contained the important letter from the Duke of Casigliano, to which reference has so often been made. I, in the meanwhile, had sent off a despatch to Sir Henry Bulwer, without having examined these last despatches. I take to myself blame for this. My Lords, nobody but one who has filled the office, can have any idea of the duties which devolve on a Secretary of State. Independently of the duties of his office, he has other duties to perform—he has to attend in his place in Parliament, he has to attend the councils of the Cabinet and of Her Majesty—and he has to receive all kinds of persons on subjects connected with his office. My Lords, I will freely admit that I did not open these despatches received on Saturday until the following Monday. It will, however, be some excuse for me when I state, as a proof of the amount of business to be transacted by a Foreign Secretary, that last year 31,000 despatches, exclusive of inclosures, went in and out of the Foreign Office. My Lords, I do not wish to exculpate myself from any part I have taken in this affair, except as to not having opened these despatches from Saturday till Monday; and having said this much, I will add that by far the most painful part of my duty which I have had to discharge, was with reference to a gentleman acting under my instructions—a gentleman who had always given satisfaction to the Governments under which he served, but who thought right to deviate from my instructions in this instance. My instructions to Mr. Scarlett were three in number. The first and the most important was, that he should enforce on the Tuscan Government the necessity of affording protection to Her Majesty's subjects in their courts of justice and otherwise; secondly, that for the personal injury inflicted on Mr. Mather he should demand 500*l.*, and accept no less; and, thirdly—and this instruction like the others was plainly stated, and mainly depended on his success in reference to the other two—that if he failed in obtaining what he was thereby instructed to demand, he should proceed no further in the matter, but wait until Sir Henry Bulwer arrived in Florence. I cannot understand why Mr. Scarlett, finding his difficulties increasing, did not wait the arrival of that distinguished diplomatist. I cannot say what Sir Henry Bulwer might have done had he arrived before the affair had been concluded; but, my Lords, I must say I deeply regret that Mr. Scarlett committed the diplomatic error of not awaiting the arrival of that able Minister before he prematurely closed his negotiation.

Lord CAMPBELL complained that the conduct of Mr. Scarlett had been made the subject of very hard remarks; and even base and absurd suggestions had been thrown out that he had been influenced in accepting the compensation by the fear of losing his salary. Mr. Scarlett was a gentleman of great experience as a diplomatist, having begun his diplomatic career in Constantinople, many years since, under Sir Stratford Canning, and his conduct had earned the approbation of the Secretaries of State for Foreign Affairs under whom he had served—the Earl of Aberdeen, Viscount Palmerston, and Earl Granville. It appeared to him that the noble Earl (the Earl of Malmesbury) had not taken a correct view of the case, in saying that the remedy to be sought in the case was the ordinary remedy to be obtained in the Courts of Law. He differed from the noble Earl on that point, and thought that the matter was one in which the Government was certainly bound to interfere; and he regretted that it had not been arranged as was proposed in the first instance, by an accommodation and apology. Mr. Scarlett sent two distinguished gentlemen to Mr. Mather with that object, and at that time there might have been an honourable accommodation; and to show what the feeling of the Austrian Government was, the officer was immediately placed under arrest. Mr. Mather declined in the most emphatic manner to receive an apology from the officer or from the whole Austrian army, if it was tendered. What he demanded was justice and a proper investigation, and accordingly an investigation did take place, and it was admitted on all hands that it was fairly conducted; in England it could not have been done more fairly or more justly. It was then agreed between the Foreign Office and Mr. Mather that there should be pecuniary compensation. In judging of the final result their Lordships must take into account the large discretion left in the hands of Mr. Scarlett, who was told to get an annuity, without being told whether it was to amount to 5*l.* or 100*l.* a year, or what Mr. Mather would have got from a jury in England—a very doubtful matter. Their Lordships would find nothing required by the instructions but payment of a plain, naked sum of money; and if that sum were paid, that was all that was required. At page 60 of the despatches the following passage occurred in the note which was to be presented by Mr. Scarlett to the Tuscan Government:—

> "It now becomes necessary for Her Majesty's Government to point out in what that reparation should consist, and it may facilitate the settlement of this question on the part of the Tuscan Government if they are informed that the father of Mr. Mather (who is a minor) is himself inclined to consider that the injury done to his son may be atoned for by a pecuniary payment on the part of the Tuscan Government. On this point the undersigned is instructed to state"—

(This was a note written in the Foreign Office, which was to be only copied at Florence)—

> —"to the Duke of Casigliano that Her Majesty's Principal Secretary of State for Foreign Affairs having heard that Mr. Mather's father, subsequently to that gentleman's return to England from visiting his son at Florence, the representations which he had to make upon the subject of the injury done to his son, requested him to put in writing the nature of the reparation which he demanded; and Her Majesty's Secretary of State shortly afterwards received from Mr. Mather's father a statement that he would be satisfied if a sum of 5,000*l.* was paid to his son. Her Majesty's Government, however, consider that sum to be greater than they ought to demand of the Tuscan Government to pay."

In his (Lord Campbell's) opinion it would have been just as well for the noble Lord the Secretary for Foreign Affairs not to have mentioned any exorbitant demand, and called it exorbitant, but to have himself named the sum which ought to have been given. The note proceeded—

> "The undersigned is, therefore, instructed to state to the Duke of Casigliano that Her Ma-

jesty's Government expect and require that a sum proportionate to the sufferings and indignity inflicted on Mr. Mather, jun., should be paid to his father as compensation for the outrage inflicted on his son."

All the Tuscan Government were called upon to do was to pay down a sum of money, and such a sum as they thought reasonable compensation. The noble Earl the Secretary for Foreign Affairs, when he complained that Mr. Scarlett had concluded the matter before Sir Henry Bulwer's arrival, has surely forgotten his own despatch of the 27th of April, which was in these words:—

> "Sir, Henry Bulwer will start to-morrow for Florence. Notwithstanding the crisis you describe as going on in the Tuscan Court, I am still in hopes that you will settle the Mather compensation by arbitration or otherwise before he arrives, and I see no reason why you should not push it on before the present Government is turned out. It appears to me that the next would be still more intractable."

The EARL of DERBY: That is the Tuscan Government.

LORD CAMPBELL was aware that the allusion was to changes in the Tuscan Government. The despatch proceeded:—

> "Lord Westmoreland has sent me an offer from Count Buol to refer the case of compensation to Mr. Mather to the Emperor, if we fail in Tuscany, where he states that Austria has given advice in favour of our claim. I am, however, unwilling to accept Count Buol's proposal further than to ask him to give his good offices privately to us, and recommend such payment to Mr. Mather as an English court of justice would allow. He and the Tuscan Government must settle the question of which is to be the loser between them; but we who have never treated the matter officially with Austria, but insisted on the responsibility of Tuscany, as an independent State, cannot accept the money from Austria for Tuscany."

The noble Earl, on the 21st, said to Mr. Scarlett, "Wait for Sir H. Bulwer;" and on the 27th, "Do not wait, come to an accommodation speedily, before there is a change of Government, which will make it more difficult to deal with those going in than with those going out." That despatch of the 27th of April would reach Florence on the 4th or 5th of May, and it was under the urgency of this despatch that the accommodation actually took place on the 10th and 11th of May. From the tenor of that despatch might not Mr. Scarlett reasonably suppose that the noble Earl was willing he should make large concessions for the purpose of obtaining a settlement, before the accession of the new Government and before Sir H. Bulwer arrived? As he understood, there were three charges against Mr. Scarlett: first, that he took less than 500*l.*; secondly, that he surrendered the principle of responsibility on the part of the Tuscan Government; and, thirdly, that he mixed up the case of the Stratfords with that of Mr. Mather. With regard to the first, as to taking less than 500*l.*, he thought he had shown their Lordships that the noble Earl himself was urgent for an immediate accommodation, and that a very large discretion had been left with Mr. Scarlett. Allusions had been made to the compensation which for such an injury would have been awarded by a jury in this country. From his long experience he could say that nothing was more uncertain than the estimates arrived at by a jury where there was no pecuniary principle to guide them. A jury in this country might have given 5,000*l.*, and might have given only 50*l.* The process was said to be this: there were twelve men in a box—they differed; each put down a sum on a bit of paper; they were all handed in and added up, and then divided by twelve: that was the amount of the damages. He really thought no blame could attach to Mr. Scarlett for taking less than 500*l.* If the 500*l.* had been simply paid, the noble Earl would not have disavowed the transaction; but the noble Lord did disavow it, on the ground that there had been a surrender of Tuscan responsibility. The noble Earl had referred to the letter of the 10th of May, from the Duke of Casigliano: and if that letter had been acquiesced in, the Tuscan responsibility would have been renounced. But the noble Earl had entirely forgotten the contents of Mr. Scarlett's letter of the 11th, in which, instead of acquiescing in the Duke of Casigliano's letter, he strongly protested against it, and reasserted all that had been contained in previous despatches with respect to the responsibility of the Tuscan Government. He thought, therefore, the noble Earl had not read this despatch before making the disavowal. The third point was, the mixing up the case of the Stratfords with that of Mr. Mather. He (Lord Campbell) happened himself to know a good deal of the affair of the Stratfords. He was at Florence at the time, and he had no hesitation in saying it was a matter of infinitely greater national importance than the case of Mr. Mather. These persons were two sons of the late Earl of Aldborough, against whom a charge had been brought; they ought to have been tried according to Tuscan law and the law of nations. How were they tried? What he was going to mention was spoken of as a mere irregularity! They were brought to trial before an Austrian court-martial. The Austrians had a large force in Florence, and another force in Leghorn; and they chose to bring these two British subjects to trial before a court-martial, not according to Tuscan law, or any law but that which was called martial law, which was no law at all. That was clearly contrary to the law of nations, and gave this country just cause of remonstrance. There would have been just cause of war had redress been refused. What was the pretext? That two years before, they had declared Leghorn in a state of siege. Entire tranquillity, however, prevailed when those two British subjects were brought to trial. A ship of war was placed by Lord Palmerston under the control of Mr. Scarlett, that he might give effect to his remonstrances; but in spite of such remonstrances, those two British subjects were subjected to trial by court-martial, and sentenced to be shot. Was that what was called an irregularity? The sentence was not carried into execution; but they were kept in rigorous imprisonment. Was it not a matter of considerable importance that this matter should be finally adjusted? In that view Mr. Scarlett concurred, and on the 6th of May he wrote to the Duke of Casigliano:—

> "I must remind you that, in order to put an end to that difficulty, the Government of Her Majesty, animated by the most friendly sentiments towards Tuscany, had already offered, as in the Mather affair, to set aside entirely the discussion of principle. Why, then, do you prefer to leave open the wound which both wisdom and good faith appear at present to supply you with such opportune means of healing?"

On the following day the Duke agreed that the Stratfords should be delivered up without in the slightest degree mixing it with the Mather transaction, which was not closed till the 10th—four days afterwards. Under the instructions he had received, Mr. Scarlett might well have supposed himself justified in what he did; and he had a confident expectation that he would still be honoured by being employed in the service of his country.

The EARL of ABERDEEN: My Lords, it is satisfactory, in a review of this transaction, to perceive that there is really no national difference or question at issue. From the very first moment in which it was clearly ascertained that the violence and outrage committed against this gentleman were entirely unpremeditated and committed in ignorance, then—however injurious and serious to the individual—the country must perceive, no insult having been intended, that nations, like individuals, must act upon the rule of not regarding as an insult that which was not intended as such. I think I am disposed to agree so far with the noble and learned Lord who has just sat down, that in the redress to be sought for this injury—for, undoubtedly, it is a very great injury to the individual—of that there can be no doubt—I am inclined to agree with him that reparation might have been sought from either party, either from Tuscany or Austria; and I should say preferably from Austria, because it is very well to say that you wish to insist on the independence of Tuscany—but that does not alter the nature of the existing facts. Tuscany, in so far as the existence of the Austrian army is concerned, was independent, and you might exact your redress from Tuscany—you might receive all the money you chose to demand from Tuscany—but you could not make Tuscany independent of the Austrian forces, in so far as they were excluded by treaty from Tuscan jurisdiction. The instance stated by the noble Earl opposite of some compensation received at Leghorn, in 1849, is proof that what I am saying is now confirmed; for the treaty by which the Austrian forces were exempt from Tuscan jurisdiction was, I believe, signed in 1850, and therefore the position of that army was different in 1850 from that in 1849, when it was only an auxiliary force under Tuscan jurisdiction. But this is not a new case at all; for we have seen many armies of occupation in different countries precisely in the same situation as the Austrian army is now in Tuscany. What was the case of the French occupation of Spain in 1822, under the Duc D'Angouleme? The French army was by treaty exempted from all authority of the Spanish tribunals. We did not pretend to deny that Spain was independent during all that time. Not at all. We carried on our usual transactions with that Government, and should have obtained redress from Spain, when sought on good grounds; but wherever the French army was concerned, by treaty Spain was unable to execute any act of jurisdiction. The same in the occupation of France by the Allied Powers. Although we entered France as conquerors, we remained under a treaty with Louis XVIII.; but still the armies were perfectly exempted from French jurisdiction during that time. Still France was considered independent, and we carried on all our transactions with France in other respects precisely as if that force had not been in the country. I see it stated in the papers which have been laid on your Lordships' table that the illustrious Duke who was commander of the British army in Portugal, professed to make the British army amenable to Portuguese tribunals. Of course I must take that declaration as stating the facts of the case. At the same time I should have imagined, if precisely the same transaction as this had occurred in the streets of Lisbon, if an English officer at the head of his regiment, marching through the streets of Lisbon, had cut down a German or a Russian, either with or without reason, I should not have thought the noble Duke would have done other than brought that officer to a court-martial, and not delivered him to the Portuguese authorities. That, I should have imagined, would have been the course pursued. But to prove that such a relation between an occupying force and the Government of the country is by no means exceptional in Tuscany, I need only observe, it has existed over and over again, and it does not, except so far as the occupying force is concerned, affect the independence of the country in its relation with all other Powers. And for that reason I say—practically, this Austrian army being independent of Tuscany—it seems the natural and reasonable course to pursue to address that Power which was independent of Tuscany; and the Austrian authorities appear to have been well disposed to meet the demand, although they justified their officer. It appears there was a military court of inquiry, which exculpated the officer who committed this outrage. Into that Austrian code I will not enter. It appears to us most unreasonable and most barbarous that a man with arms in his hand should resent what he conceives to be an insult on the spot, even to the destruction of life on the part of the person offering it. I presume, in this country, if any unarmed man was to hold his fist in the face of an armed man at the head of his regiment, probably the officer would not touch him, although he might hand him over to the police for correction and punishment;—but the notion of resenting on the spot that which is imagined to be an insult is carried not only in the Austrian, but in the Prussian army to an extent which is to us quite incomprehensible. Be that as it may, we cannot blame the officer who acts on the understanding of such a code and such regulations; and in this case Marshal Radetzky seems to think, from the result of the inquiry, that the officer was justified in the course pursued. But even if he were justified, that would not diminish the injury inflicted on a man admitted to be innocent; because the Austrian authorities all agree that there was no intention on the part of this young man to commit any insult at all, or any offence. Therefore, even if the officer was justified, reparation was due for the injury sustained by this individual. They one and all seem disposed to take that view of the question, as it is the only view to take of it, for, after that ample apology on the part of Prince Schwarzenberg and Prince Lichtenstein, the nation has nothing to demand. The individual still remains to be satisfied; and Mr. Mather, having rejected the notion of any apology, either from the officer who committed the injury or the whole Austrian army, looked for a compensation of some other description. The noble Earl did not proceed in quite the usual way. When the noble Earl tells us that he had no Queen's Advocate to confer with, I must say that I think if he had made any request to Sir John Dodson, that gentleman would have willingly given him the benefit of his opinion. I should have thought, for his own satisfaction, that would have been the proper course to pursue. Had the Queen's Advocate, or some other person entitled to give an opinion, fixed a sum which, according to his notions, was just to have demanded, then the noble Earl would have been secure in adhering to that sum. This would have been the better course to have pursued; instead of first going to Mr. Mather, and asking him to fix a sum, which, when he did fix, the noble Earl thought it exorbitant; and thus he had no certainty to proceed upon. The noble Earl was driven from one amount to another, not having a legal authority upon which he could stand, and he ended by accepting—I do not say improperly—the sum offered by the Tuscan Government. I do not say that the sum fixed by the Tuscan Government was improper; and I think that Mr. Scarlett was right when he said, that had the Tuscan courts been open to him, very probably he would not have received more. But as to the question of independence, I say, if you assert and maintain the responsibility of Tuscany for all acts committed within its territory, but entirely beyond the control of the Tuscan Government, that although you may exact a reparation, and may, if you please, withdraw our Minister, and order reprisals—as appears to be threatened in one of the despatches that future measures will be taken—and although you may obtain whatever you demand, you will not obtain an acknowledgment from the Tuscan Government that they are responsible. You cannot exact from them that condition—you cannot make them say that which is not the case, namely, that they are independent of the Austrian army occupying their territories; and that, I say, is the whole case. The Austrian army in Tuscany is *de facto* independent of Tuscany. For military offences they are only responsible to their own military authorities. They are in the position in which the British army stood in France, in which the French army stood in Spain, and which I had always heretofore believed the British army stood in Portugal. However, I admit I do not undervalue the importance of holding Tuscany responsible for acts committed upon her territory. The noble and learned Lord said that application should be made either to Tuscany or to Austria, or to both. I am disposed to think that not only would it have been more just and consistent with sound reason, but that you would have succeeded, if, instead of appealing to Tuscany, who felt herself quite innocent, and quite incapable of exacting reparation for the offence, you had demanded reparation from Austria. I think if this course had been pursued, that the whole affair would have been settled in a very short time, and that without any embarrassment. I should be sorry to blame the noble Earl for the course which he has pursued, although I do not think it the most judicious or the most successful. But what is the state of the matter? That is a most important question. We are told that the proceedings of Mr. Scarlett, after the settlement has taken place, are now to be disavowed. The question is to be reopened. I presume that it is on the notion that Mr. Scarlett abandoned the question of the responsibility of the Tuscan Government, that the question is to be reopened. It cannot be the amount of the compensation, because that was accepted. Well, then, how will you proceed? The noble Lord (Lord Beaumont) has moved for the instructions given to Sir H. Bulwer; but I hope the noble Earl will object to the production of any such document. The question is now, however, beset with new difficulties, which it was not before, and which it would not have been, if the course which I suggest had been pursued. The noble Earl must either now insist upon additional reparation—which I presume he will not do, having already accepted a fixed sum—or he must insist on Tuscany acknowledging its responsibility, and that the sum so due is properly and fairly demanded. You may exact what conditions you please, but you will never convince them that such is the case. They will retain their own sense of what is just. The noble Baron near me (Lord Beaumont) has taken this opportunity of entering upon the state of Italy. Nobody can more regret than I do the occupation of the Italian territories by foreign troops. I shall be very much delighted when they shall be recalled, and recalled with safety. But I must say that the noble Lord has made a most singular statement with regard to Austria in occupying these States. He says that Austria encourages all those Governments on which it has influence to commit outrages and acts of shocking injustice, in order that she may have the credit of her own provinces being well governed in comparison. That would be a system of Jesuitism which I have never heard surpassed. I think there is something wildly and perfectly absurd in such a proposition. I think it impossible that any Government in its senses could resort to such a policy. As to the occupation of the Tuscan territory by the Austrians, or of the Roman territory by the French—I do not know on what conditions the French force occupy Rome—

LORD BEAUMONT: Rome is in a state of siege.

The EARL of ABERDEEN: Yes, and the French army are therefore independent of the Roman tribunals; and in this case I do not know that we can fairly compare them with the Austrian forces. As I said before, I do not wish to blame the course pursued by the noble Earl. It appears to me, however, that it was a wrong one that was adopted at first. I do not know that it is now possible to apply to Austria; but I cannot help thinking that had this course been adopted at first, the matter might have been speedily and satisfactorily settled. I only hope that in any instructions the noble Earl may give to Sir H. Bulwer, he will not seek for impossibilities, but that he will be satisfied with that which it is in the power of Austria or of Tuscany to grant.

Earl GRANVILLE thought that, from the part which had been taken by the late Government in the correspondence which was the subject of discussion, it would not be fair or respectful on his part to the House if he were to remain perfectly silent; he did not, however, think it would be necessary for him to enter upon any detailed defence of the course which they had pursued, inasmuch as ample justice had been done them during the course of the debate. The noble Lord who introduced the Motion, and the noble Earl who last addressed their Lordships, had referred to the occupation of two Italian States by two distinct foreign armies. It was quite useless to argue that such an occupation, if it were to be continued, would be a very undesirable and anomalous state of things. There had been other armies of occupation for particular purposes—as, for instance, the English army in Portugal, the French army of occupation in Spain, and the army of the Allies in France—but all those occupations were merely for temporary purposes, and when those purposes were accomplished, the armies retired from the territories which they had occupied. There was also another occupation—the occupation of Algiers, which, from a temporary occupation, became permanent; but that could scarcely be considered an instance in point, because there were peculiar circumstances attendant upon that case. He was not one of those who had any very strong objection to the occupation of Algeria; but that was a very different thing from a permanent occupation, by Austria and France, of two independent Italian States. He thought, that as Her Majesty's Government were on very good terms both with Austria and France, it would not be very unreasonable to suggest that Her Majesty's Ministers might require some friendly explanation from the Governments of those two countries with respect to their intentions; and, as the Government of this country could not be supposed to have any selfish interest whatever with regard to the affairs of Italy, and could only be actuated by a desire to promote the prosperity of Italy and the general interests of Europe, very possibly the mediation of Her Majesty's Government might be accepted, and terms might be arranged upon which both France and Austria might be induced to withdraw their troops from Italy. With regard to the Mather correspondence, the discussion which had taken place to-night had been very agreeable to his feelings, and relieved him from the necessity of going into any part of the case subsequently to the retirement from office of the late Government; but he was anxious to make a few observations, with the view of vindicating the late Government from certain reflexions which had been made upon their mode of commencing this correspondence. The noble Earl the Secretary for Foreign Affairs, slightly transgressing the rule, *De mortuis nil nisi bonum*, had charged the late Government with being over hasty and impatient in the outset in demanding reparation for Mr. Mather. He (Earl Granville) thought, however, he could show that Her Majesty's late Government had not been too hasty in the steps they had taken. The nature of the outrage had been so often described, that it was unnecessary he should go into the details; but it had appeared to him that when in Tuscany—where he was sorry to say a number of cases of injury to British subjects had lately occurred without much redress being obtained from the Tuscan Government—they found an individual, personally inoffensive, like Mr. Mather (as was, he thought, shown by all the evidence), assaulted by a military officer performing military duty for the Grand Duke of Tuscany, the case was one demanding reparation. Upon receiving the statement which was furnished to him by Mr. Mather's family, he (Earl Granville) wrote to Mr. Scarlett, stating the particulars of the case as they had been communicated to Her Majesty's Government, and instructing him generally, if this statement should prove to be true, to demand reparation for the outrage. One point which had been raised during the debate was, whether it was right to make that application to the Tuscan instead of to the Austrian Government. The noble Earl (the Earl of Aberdeen), whose opinion was justly entitled to great weight, had stated that, in his view, the preferable course would have been to apply for redress to the Austrian Government. He (Earl Granville) did not concur in that opinion. It appeared to him that it would have been a positive insult to the Sovereign of an independent State to have entirely passed him over when asking redress for an outrage which occurred in the capital of his own State. He thought such a course would have pointed out to the world, unnecessarily and gratuitously, the dependent position of the Grand Duke of Tuscany. He must say, with regard to the precedent which had been alluded to by the noble Earl opposite, that if it was right to demand from the Tuscan Government reparation for the sacking of the stores when the Austrians were actually performing military operations in Leghorn, he could not conceive that it was not right to go to the Tuscan Government, in a case of mere chance-medley in the street, when a British subject was injured. He thought the treaty of 1850, which had been referred to, rather strengthened his case. He certainly knew, though not officially, that such a treaty had been concluded. [The Earl of MALMESBURY: A secret treaty?] No; the treaty was published in the *Moniteur;* but the existence of a secret clause, providing that Austrian officers should not be amenable to the Tuscan civil tribunals, was not made known to the British Government until long after the late Administration had resigned their offices: so far, therefore, from its being a rule that occupying armies should not be subject to the civil tribunals of the country occupied, the Austrians had thought it necessary to introduce a special secret clause into their treaty. He had been informed, on excellent authority, that the French army, with regard to crimes affecting civilians, were amenable either to the civil or the military tribunals; and he was informed, on the same authority, that this case was one of those which, under the French law, might have been brought before either tribunal. This circumstance he adduced as justifying Her Majesty's late Government in applying to the Tuscan Government. Fault had been found with the despatch which he (Earl Granville) wrote to Lord Westmoreland, giving an account of this affair, on the ground that it was somewhat unintelligible; but the noble Lord who made this objection did not seem to have understood the purpose of the despatch. He (Earl Granville) guarded himself in that despatch from the notion that Lord Westmoreland had any instructions to act in the matter, because he was anxious not to mix up the question of double responsibility before it was absolutely necessary; but Her Majesty's Government thought it advisable Lord Westmoreland should know that it was their opinion that if obstructions were put in the way of obtaining the redress which they thought due to a British subject, they would demand reparation from the Government of Austria; and it was very satisfactory to him (Earl Granville) to have been borne out in that view by such an authority as the Lord Chief Justice, whose opinion was that both Governments might justly be held liable. He (Earl Granville) now came to another point which had not been mentioned during this discussion, but which had been raised elsewhere. It had been objected to his conduct that he had instructed Mr. Scarlett to demand reparation at once, without inquiring more narrowly into the facts, and without consulting the Queen's Advocate. The course he (Earl Granville) took was this—he wrote to Mr. Scarlett, instructing him, if he found the facts were as they had been represented, to make a general demand for reparation; because if he had directed Mr. Scarlett merely to inquire into the facts, before those facts could have been laid before the Queen's Advocate, and further instructions could have been sent out to Mr. Scarlett, nearly a month must have elapsed. He certainly did not think, under the circumstances of the outrage, that the public of this country, or Englishmen residing in foreign States, would have been very well satisfied if so long an interval had been allowed to elapse before a representation was made to the Tuscan Government. As to his not having consulted the Queen's Advocate, it was clear that he (Earl Granville) had no facts to lay before that official. He (Earl Granville) was certainly in possession of an *ex-parte* statement; but he believed it was contrary to all usage to lay *ex-parte* statements before the Queen's Advocate, in order to obtain from him a legal opinion. Having had the advantage of serving as Under Secretary of State for Foreign Affairs for about two years under his predecessor in office (Viscount Palmerston), who was certainly more intimately acquainted with all the details of every department of the Office than perhaps any one else, and who was therefore more independent of extraneous assistance, he had remarked that in nearly every case that noble Lord took the opinion of a legal adviser; and he would not have been so presumptuous as to have imagined that he (Earl Granville) could have gone on without such assistance; but he thought that during the two years' experience to which he had referred, he had learned what was the proper time for submitting such matters to the Queen's Advocate. He must say he thought there was some inconvenience in referring in that House to debates which occurred in another place, as there was great difficulty in insuring an exact representation of what had really fallen from Members of the other House; and a noble Lord who had alluded to the statements of Lord John Russell, with regard to the outrage itself, and to the liability of Austria, had—though he was sure most unintentionally—somewhat misrepresented the opinions of his noble Friend. He (Earl Granville) might state that he had taken the opportunity of consulting on this subject with that distinguished gentleman, Sir John Dodson, who was no longer a Government officer, having been promoted to a high judicial position ; but he had the authority of that eminent individual for stating that in his opinion the late Government were right in representing the case as they heard it to Mr. Scarlett, and in desiring him, if the statement was true, to demand reparation in general terms until the case should be officially before them. In Sir John Dodson's opinion, the Government were also right in applying, in the first instance, to the Government of Tuscany, and not to that of Austria, for reparation ; and Sir John Dodson considered that they were right in intimating to Lord Westmoreland that they would hold Austria liable if obstacles were thrown by Austrian influence in the way of obtaining justice for British subjects. Sir J. Dodson further said that he thought Her Majesty's Government were right in not deferring the case until they had obtained an official account of the facts of the outrage. He (Earl Granville) might take the opportunity of saying that he concurred in the opinion which had been expressed, that the Austrian authorities seemed evidently to have been actuated by a wish to bring this unfortunate matter to a satisfactory conclusion. That appeared to be the desire of the officials at Florence, of Count Buol, and of Prince Schwarzenberg. He (Earl Granville) would here take occasion to say that he had been much gratified to find, as he had done, from the production of these papers, that the last communication made to the British Government by Prince Schwarzenberg—who certainly possessed some great and amiable qualities, and who had rendered important services to his Sovereign and to his country—before his premature and sudden death, was couched in a singularly conciliating and temperate tone. He (Earl Granville) had felt it necessary to make these few observations in vindication of the part which Her Majesty's late Government had taken on this question, and he hoped he had succeeded in showing that they had taken the only course which it was possible for them to adopt—a course that was consistent with authority and precedent, and, if he might be allowed to say so, with common sense. He certainly thought that if the late Government had pursued any other line of conduct, they would only have complicated still more a matter already sufficiently complicated in its nature, and would have increased the difficulty of their successors.

The Earl of DERBY : My Lords, I think I may venture to congratulate your Lordships on the calm and temperate tone in which this question has been treated on all sides; and I think the clear and able statement of my noble Friend the Secretary for Foreign Affairs must have gone far to deprive the subject of much of the factitious importance with which it has been invested by the statements which have been made in the public prints and elsewhere. There seem, with regard to the proceedings which have taken place, very few points upon which much difference of opinion exists. I am happy to remark that, in the discussion this evening, all minor considerations, all questions as to the expressions in this or that despatch, all deviations from that "pure well of English undefiled," of which it seems to be supposed that a perennial fountain is perpetually bubbling up in Downing-street, all unnecessary mention of what Prince Schwarzenberg wrote before his death, have been entirely waved and passed by, as they very well deserved to be, and the question has been confined to this—what are the specific points which require the examination and the judgment of the House of Lords ? I think there is a general concurrence of opinion—though I must except one high authority, whose opinion must be regarded with great respect—that in the first instance, at all events, the late Government were justified in applying to the Tuscan Government as soon as they received intelligence of this unfortunate event. That, I think, is an important fact. That has been the guiding, leading principle which has actuated Her Majesty's Government throughout — that for injuries committed upon British subjects on Tuscan soil, no matter by whom, or under what circumstances, so long as Tuscany enjoys the privileges of an independent State, so long as she has her diplomatic agents, and receives diplomatic functionaries at Florence, she must be held exclusively liable. Every one agrees in the opinion that no blame attaches to young Mr. Mather in this transaction. Even admitting, what is exceedingly possible, that there may be so much of correctness in the Austrian report as that Mr. Mather, being hustled backwards and forwards, from one officer to another, and being struck in the face, did, perhaps, naturally enough for an Englishman under such circumstances, involuntarily raise his arm, that he did turn round somewhat indignantly, and that, not being very well acquainted with the Italian language—as he himself states was the fact—he asked what was the meaning of the attack—still, there was nothing done which could have justified the outrageous assault made upon him. At all events, he was an unoffending party, and he had a perfect right to ask and to expect the full protection of the State under whose laws he was placed. But, with regard to this case, I think we ought to draw a distinction between what may be looked upon as the national point of view, and the injury done to the individual. If an Austrian officer had committed an insult or an offence of a national character against a British subject—if he had been guilty of an insult against the Government of England—if, for example, he had joined in pulling down the consular flag, or in offering any insult which could be regarded as a national injury—I am not prepared to say that in such a case I should not hold the State employing such an officer responsible for the national insult. But in this case, as has been said by the noble Earl opposite, there is, from first to last, no question of national insult or national indignity. It is perfectly clear the officer did not know that the offending party was an Englishman; it is perfectly clear that he had no previous malice and no previous grudge against him; it is perfectly clear that, from the very first, all the Austrian authorities, differing with us as to the responsibility of the individual officers, joined in disclaiming anything like national feeling, and in expressing regret for the unfortunate occurrence. I cannot refrain from reading to your Lordships the language used by Prince Lichtenstein on the very day after this unfortunate occurrence:—

> "I am entirely persuaded (he says) that Mr. Mather had not the least intention in the world to provoke a disturbance, and that merely a coincidence of unfortunate circumstances, among which I include also the fact, that Mr. Mather does not understand Italian, as it would appear, has been the cause of this unpleasant affair. Although extremely sorry at this mischance, I could not blame the officer on duty, who acted as every officer of every army would have acted under such circumstances, being on duty, and running the risk of receiving an insult at a moment when, sabre in hand, he was in front of his troops. Although excusable, I gave a severe official reprimand to the other officer, who, meddling unnecessarily in this affair, contributed to Mr. Mather's state of irritation. I regret much that a British subject who, without wishing it, and even without knowing it, has given rise to so sad an occurrence, should have been the victim of it; and I sincerely hope that you will never again have occasion to write to me on such a matter. I have sent Captain Theiss today to the hospital to obtain an account of the state of Mr. Mather's health, and to cause inquiry to be made of him whether he had everything that he required, in order that I might offer him my services in case of necessity; but the physician would not permit him to talk with him, assuring him, however, that, thank God! the wound was not in the least degree dangerous, and would leave no disagreeable consequences. While repeating my regret that this affair between a British subject and an Austrian subject should have occurred, I request, &c."

It was impossible for any officer placed in the position of Prince Lichtenstein to offer a more handsome expression of regret, or to go further in testifying sympathy; and when, at a subsequent period, Prince Schwarzenberg himself, on the part of the Austrian Government, expressed their regret at the occurrence, all national feeling, as between England and Austria, must be considered to have been at an end. I agree, therefore, in the opinion expressed by my noble Friend near me, although it seemed to excite some comment among noble Lords opposite, that under such circumstances any application to the Austrian Government was unimportant. But observe what further passed. So far as the Austrian part of the case is concerned, not only was there an expression of regret that anything of this unpleasant nature should have happened, but as regarded Mr. Mather himself, there was a distinct declaration made on the part of the officer who committed the outrage, and of his commanding officer, that if Mr. Mather would make a declaration that he intended no insult to the officer with whom he had come in contact, the officer would, in any terms he might desire, express his regret at having been betrayed into the action. As regarded Austria and her officer, you could ask nothing but that the officer should be tried by the laws of the country for the offence which he had committed;

but, without your asking, that trial has taken place by the military law of Austria, and under that law the officer has been found not guilty. Now, mind, I say nothing about the rules of etiquette in the Austrian service, which require, under pain of degradation and dismissal, that an officer on duty, if he suspects he is about to be struck, should cut down the offender. God forbid that I should defend such a regulation! but that is the rule of the Austrian service; and, according to it, the Austrian officer could do nothing but what he did, and, having been acquitted by the court-martial, if you had gone to Austria she would have said, "You admit that no international offence has been committed; we are to punish him, then, for what? for that of which he has been declared to be not guilty!" I think what my noble Friend (the Earl of Malmesbury) observed upon the course taken by the noble Earl opposite (Earl Granville) was, that he thought an error had been committed in appealing to the Tuscan Government in the first instance, before applying personally to the tribunals of the country, and then that the tribunals of the country being unwilling or unable to give redress, then Mr. Mather would have had a right to apply to his own Government to make it a question between the two Governments, and to insist that justice should be done. I think that that principle was lost sight of, and it was unfortunate that it was so; because from the first the course which Mr. Scarlett took in accepting that which Mr. Mather placed in his hands—namely, the whole conduct of the affair was making that which should have been a personal matter prematurely an international grievance. I think that in that Mr. Scarlett committed an error. Then, supposing that reparation was to be given, and that the Tuscan Government was the quarter to which you should look, what was to be the character and quality of that reparation? Should it be an apology? An apology was tendered by Austria, and rejected in the most indignant manner by Mr. Mather, who demanded a full and impartial examination of the case, and exemplary punishment of the offender. The only event in which the noble Earl opposite thought that an appeal ought to be made to the Austrian Government was in case of any undue influence being used by them to prevent the inquiry which was to be instituted being a fair and impartial inquiry. Mr. Scarlett represents, however, that the inquiry was full and impartial, and that it was conducted in accordance with the principles of justice, and with no desire to screen the facts of the case, or to shelter any single party. The inquiry having terminated, an application was made to the Tuscan Government for the punishment of the offender; but their answer was, "We have a treaty with Austria which renders it impossible that we can punish the offender; he is withdrawn from the cognisance of the courts of Tuscany—the Austrian troops in Tuscany are beyond the control of the law, and we have no power to punish them." I must say I think it would have been most unwise and injudicious if we had accepted and admitted the total irresponsibility of the Austrian troops which were thus permitted to be in the Tuscan territory. This has been so unanimously admitted by your Lordships that I will not weary you by dwelling on it. It appears that these troops are in Tuscany by a treaty by which we are in no way bound, because it is not a patent, but a secret article. We have never recognised the presence of the Austrian army; the Tuscan Government thought it right to invite them to assist them in maintaining order; but as regards foreign nations, that army must be considered as acting under the orders and directions of the Tuscan Government, who are responsible for any injury these troops may do. In a precisely parallel case, which occurred in 1849, the late Government, acting under the advice of the Queen's Advocate, thought it their duty to insist on the sole responsibility of Tuscany for injuries inflicted by Austrian troops. The English Government had, however, a perfect right to say to Tuscany, "You say you cannot punish the offender; then we ask you to give the injured person some reparation." I have nothing to say to Mr. Mather's declaration that he did not want pecuniary compensation; but he insisted on that which could not be obtained—the punishment of the person who inflicted the injury. But though we had full right to demand of Tuscany on the part of a British subject that he should have full reparation, we could not demand that she should do that which by treaty she had involved herself in the impossibility of doing. It might have been more judicious, I will admit, if my noble Friend could have fixed at once upon a sum to demand, when, as he truly said, while the honour of England rested in his hands, he was prepared to demand for Mr. Mather, if he asked for it, personal reparation of the injury. With regard to the specific sum, allow me to remind you that the noble and learned Lord the Chief Justice admitted that for fixing a sum nothing could be more precarious or capricious than the verdict of an English jury in such a case. Irrespective of the amount of the sum, however, that which was of importance—that which was pressed for by my noble Friend from first to last—was the recognition on the part of the Tuscan Government of its responsibility for protecting British subjects, and of its liability to grant reparation, not as a matter of grace or favour, but as a matter of right, on which we should have in this and in all future cases an absolute right to insist according to the law of nations and international responsibility. My noble Friend has been found fault with for the course he had adopted. Now, my Lords, for the whole course of these proceedings I avow myself as fully and entirely responsible as my noble Friend; for not one step did he take, not one direction did he give, without my previous knowledge and consent; and if he is to be censured, I am just as much and as entirely open to censure as he from whatever quarter that censure may proceed. But the fact is that my noble Friend has throughout insisted on that which he thought the matter of the greatest importance. From first to last he has assumed that Tuscany was responsible for reparation, and that from Tuscany we must have a tangible acknowledgment, in the shape of a pecuniary reparation of her liability to protect British subjects in that country. On March 12, in one of his very first communications to Mr. Scarlett, he writes—

> "But although Her Majesty's Government cannot but admit that in regard to this matter the position of the Tuscan Government is peculiar, inasmuch as the outrage upon Mr. Mather was committed by an Austrian officer, who himself is only amenable to the martial law of Austria, Her Majesty's Government nevertheless cannot permit the Tuscan Government to repudiate the responsibility of an independent State to protect the subjects of foreign Powers residing peaceably in the territory of that State, on the plea that there is no tribunal in Tuscany competent to take cognizance of complaints preferred by such persons. Tuscany assumes to exercise the privileges of an independent State. As the Sovereign of an independent State, the Grand Duke has accredited Prince Poniatowski as his Minister at the Court of England; and his Imperial and Royal Highness has moreover recently intimated his intention, if necessary, formally to refuse to receive a specific Minister appointep by the Queen to reside as Her Representative at the Grand Ducal Court, alleging that in so refusing he would be merely exercising a right inherent in all independent States. It is therefore necessary to impress upon the Tuscan Government that Her Majesty's Government cannot admit the right of Tuscany to claim the privilege of an independent State, and at the same time to be relieved from the corresponding obligations which attach to that political position."

Now, my Lords, I wish I could stop here, and that I were not compelled, by a sense of duty to the Government, and to the merits of the case, to inquire, as I do with very great regret into the vindication which the noble and learned Lord Chief Justice has thought it his duty to offer to your Lordships of the conduct of Mr. Scarlett; because that vindication involves a charge against the Government, to which it is not obnoxious. I am quite sure that Mr. Scarlett has no reason to complain of the terms in which my noble Friend (the Earl of Malmesbury) spoke of his previous services, and of the high position which he has attained in the diplomatic service; and if my noble Friend did characterise what has taken place as an error in judgment, I am sure that is a term which could not be offensive to that gentleman, however painful it might be to any one acting in a subordinate capacity to know that his conduct did not meet with the approval of his superior. The noble and learned Lord, however, very fairly stated the three charges against Mr. Scarlett, which are—1. that he accepted a less sum than he was authorised by his instructions to receive; 2. that he waved the question of the responsibility of Tuscany, which was the most important point of all; and, 3. that he had mixed up with this question the case of the Messrs. Stratford. In the Stratford case there was, in the first place, great difficulty in establishing the right of this country to interfere at all. Though those gentlemen had been tried by an extra-judicial tribunal (by an Austrian military tribunal) for an offence which ought to have been tried before the ordinary tribunals of justice, the sentence, being beyond that which the ordinary Tuscan tribunals would have inflicted, had been commuted to the Tuscan level, and the Grand Duke had promised that within a very limited period the sentence of imprisonment to which they had been subjected should be brought to a conclusion. But that of which we complained was, not that Mr. Scarlett thought it right to use his best efforts for the immediate liberation of any British subject—God forbid that we should do that! but that he, on a question of individual and personal reparation to be made to one individual, should have accepted a smaller sum than he was bound to ask for in reparation in consideration of the favour to be shown to some third parties with whom the individual was altogether unconnected. The argument of the noble and learned Lord is, that the instructions which were given to Mr. Scarlett were so vague and general that he was not bound to insist upon any specific sum. The best witness on this point is Mr. Scarlett himself, who says, "no objection is now made to the amount of 500*l.* which I have fixed positively as the *minimum* for compensation." He stated that his instructions were positive upon the subject; and, in the last letter which had been laid upon the table, Mr. Scarlett says—

> "I take upon myself the entire responsibility of accepting 1,000 franscesconi by way of damages. My reasons for thus deviating from your Lordship's instructions, by which I was to obtain at least 500*l.*, are, that having repeatedly demanded this latter sum, I was unable to obtain any more than 1,000 francesconi, which was at length offered by the Tuscan Government."

When we perceived that reparation had been given so far below what we thought was due to Mr. Mather, it is quite true that we heard that information with very great regret; and upon receiving from Mr. Barron the first intimation of the arrangement which Mr. Scarlett had made, my noble Friend wrote to Sir H. Bulwer on the 21st of May in these terms:—

> "Her Majesty's Government cannot for a moment doubt the zeal which Mr. Scarlett has uniformly shown in carrying out till now the various orders which he has received from this office bearing upon questions of a difficult and vexatious character, and they are ready to admit that in this last transaction Mr. Scarlett has acted to the best of his judgment. I should not, however, be strictly performing my duty were I not to express to you that Her Majesty's Government regret that Mr. Scarlett should have taken a view of what was expedient in the settlement of Mr. Mather's compensation as much at variance with his instructions as with sound reason and equity. It appears from Mr. Scarlett's despatch of the 2nd of April, that he had already obtained a promise from the Tuscan Government that the Messrs. Stratford would be soon released, and that, awaiting their liberation, they were treated with as much leniency as could be exercised in any prison, and for an offence which Her Majesty's Government have never attempted to palliate. The remonstrance against the confinement of these gentlemen was founded on a legal flaw respecting their trial, and not on their innocence, and Mr. Scarlett should have restricted his negotiation in their case to endeavours to hasten as much as possible their promised freedom. It is clear that this could have no possible connexion with the injury perpetrated on Mr. Mather, who was a harmless traveller, conforming in every respect to the laws of Tuscany. This injury having been acknowledged by the Tuscan Government to our *Chargé d'Affaires*, could only be atoned for by a public act; and this I instructed Mr. Scarlett to obtain in the shape of a pecuniary compensation of not less than 500*l.* to be paid by the Tuscan Government. Such an act would answer two objects: First, it would be a moral vindication before our country of the right of an Englishman to protection when residing peacefully in a friendly State; and, secondly, it would give practically to Mr. Mather those damages which an English court of justice would have granted him under similar circumstances, but which the Tuscan courts had not decreed, because the Tuscan Government refused to open them to his appeal. Although I have with much regret explained to you that Her Majesty's Government cannot approve of the arrangement thus concluded by Her Majesty's *Chargé d'Affaires* at Florence, they will of course not refuse to recognise it."

And, he adds, to show the feeling with which that despatch is written—

> "And I request that you will not express to Mr. Scarlett their opinion until he shall have recovered from the dangerous illness under which I fear he is suffering."

Just after this despatch had been sent, came another statement from Mr. Scarlett, which entirely altered the character of the whole transaction, and showed not only that the amount of compensation had been diminished, but that the very principle for which throughout we had been contending—that which had been the basis of the whole negotiation, that which we had been labouring to assume and to affirm —had not only been waived by Mr. Scarlett, but that he had made on his own part, and spontaneously, an offer to the Tuscan Government to waive it. The noble and learned Lord (Lord Campbell) said that Mr. Scarlett had received contradictory directions with reference to continuing or bringing the negotiations to a conclusion. So far from that being the case, my noble Friend wrote to Mr. Scarlett on the 9th April that, if the Tuscan Government refused the compensation demanded, he was to await the arrival of Sir H. Bulwer, and to take no steps in the meantime. On the 27th of April my noble Friend certainly wrote to Mr. Scarlett, "To-morrow Sir H. Bulwer will set out for Florence, but I still hope you will have arranged with the Tuscan Government the matter in dispute." "Arranged!" Yes; but of course upon the terms which we had previously laid down as a *sine quâ non*. Recollect that throughout the whole of the case the responsibility of the Tuscan Government was the point upon which everything turned. How, then, could it be expected, in the face of the distinct instructions which were given him, that Mr. Scarlett would write to the Duke de Casigliano in these terms?—

> "Actuated by this feeling, and trusting that his Excellency the Tuscan Minister for Foreign Affairs is equally willing to meet the wishes of the undersigned in a similar spirit, the undersigned has to propose to his Excellency the Minister for Foreign Affairs that the principle involved of responsibility should not be raised, and all discussion with reference to it entirely avoided."

Here it was proposed on the part of our Minister to the Minister of Foreign Affairs in Tuscany to waive the whole question which he was instructed to persevere in, and with respect to which he was instructed that, if he could not obtain a satisfactory settlement, he must break off the negotiation; and, moreover, inform the Tuscan Government that it would be necessary to withdraw the mission from Tuscany, and no longer continue to treat with them as an independent Power. Well, what was the letter which the Duke de Casigliano wrote in reply to this? I must say that the conduct of the Tuscan Government in this matter forms a painful contrast to the frank and generous spirit in which complaints were met by the Government of Austria. I venture to say that there are few Foreign Ministers who would have addressed such a letter to any British agent as that which the Duke de Casigliano addressed to Mr. Scarlett on the 10th of May; and that there are few foreign agents, of whatever station, who would acquiesce in the principle therein laid down:—

> "Florence, May 10, 1852.
>
> "The undersigned, &c., in acknowledging the receipt of the note which the *Chargé d'Affaires* of England addressed to him on the 6th inst., is happy to discover in it a proof of the intention of the British Government to arrange amicably the affair regarding what occurred at Florence between Mr. Mather, an English subject, and an officer belonging to the Austrian auxiliary force, by placing the question in an entirely different point of view from that put forward in the note of the 18th of April last. At the same time that he refers to the principles stated in his preceding notes, and refrains from producing further arguments in support of them, the undersigned is authorised by his august Sovereign to agree to the proposal to put aside any observation bearing on the principle of the question, and to listen only to the appeal made to the liberality of his Imperial and Royal Highness the Grand Duke. The undersigned having taken the orders of his Sovereign, is commanded to signify to the British representative, that his Imperial and Royal Highness, influenced by a sentiment of generosity which is not to be appealed to as a precedent in similar cases, agrees to grant to Mr. Mather as a pecuniary indemnity the sum of 1,000 francesconi, which far exceeds any indemnity which could in the matter in question be awarded by the Tuscan tribunals."

That is the answer which was sent to, and accepted, by Mr. Scarlett; and although the noble and learned Lord has taken credit to Mr. Scarlett for altering a passage which was still more offensive than that which I have read, I may be permitted to state that the alteration was not made by Mr. Scarlett at all; that Mr. Scarlett accepted the note with the insertion of the offensive passage; and that the passage was at last expunged upon a representation by Mr. Barron, the *attaché* who acted for Mr. Scarlett during his illness. I regret to be compelled to make this statement. I have great respect for the noble Lord the brother of Mr. Scarlett; another of his brothers is one of the oldest friends I have; but it is impossible that I should allow myself to be swayed by personal considerations in a matter like this. I am bound to show that Mr. Scarlett is responsible for having accepted a less sum than he was required by the Government to exact; and that he was not justified in volunteering to waive that which had been from first to last laid down by the Government as an essential principle which it was impossible in any way to compromise.

LORD CAMPBELL wished to call the noble Earl's attention to the letter which Mr. Scarlett addressed to the Duke de Casigliano on the 11th of May.

The EARL of DERBY: I have no objection to read the letter to which the noble and learned Lord refers:—

> "Florence, May 11, 1852.
>
> "I have the honour to acknowledge the receipt of your Excellency's note of yesterday's date, informing me that his Imperial and Royal Highness the Grand Duke has been pleased to accord to Mr. Mather the sum of 1,000 francesconi as a pecuniary compensation for the 'incident which took place between him and an Austrian officer.' I confess that this sum appears to me hardly adequate to the injury inflicted by this outrage, or to the guilt of the offenders. Nevertheless, considering that this is more than he could recover by means of the Tuscan courts of law; considering that Mr. Mather is not in that condition of life which would render the amount an object of great importance to him; but more especially considering the importance attached by Her Majesty's Government to the friendly relations now happily subsisting with that of Tuscany (which friendly relations might be embittered by a further protraction of this controversy), I am willing to accept the sum offered. It is now my intention, in strict conformity with my note of the 6th instant, to avoid all discussion of the principles involved

in this question. Your Excellency has been pleased, however, to refer, in your note of yesterday, to those principles of public law advanced in your former notes. It is therefore my duty to refer your Excellency to those principles laid down in my former notes on this case (particularly in that of the 17th of March), as still upheld in their fullest integrity by Her Majesty's Government."

Yes; but these principles were not recognised by the Tuscan Government in granting the amount which was accepted by Mr. Scarlett—as an instance of the liberality and generosity of the Grand Duke, and on the understanding that it was not to be drawn into a precedent in future cases. I really do not think that this letter at all alters the position of the case as I have stated it. But what I do think may be drawn from the discussion which has just taken place is this—that an injury having been inflicted on a British subject, we took the question up in a double light, of an insult offered to this country, and an injury to a British subject. With respect to the first, we have received from the Austrian Government, and the Austrian officers concerned, the fullest explanations and expressions of regret; and with regard to the second we have treated it throughout as a case for private reparation, which a British subject has a right to claim and to expect. We also thought that the Tuscan Government was the only one from whom we had a right to claim that reparation. We maintained, throughout, the principle that nations cannot be upheld in all the privileges of independence, and, at the same time, be allowed to refuse liability to the responsibility of independence. In as far as lay in our power, we have endeavoured to obtain pecuniary reparation for the injury inflicted on the individual, and an acknowledgment on the part of Tuscany of that obligation of which we shall never cease to demand the enforcement—namely, the protection by their tribunals; or, if not by their tribunals, at least by their Executive, of British subjects passing through, or residing in, the Tuscan territories, from whatever quarter they may be assaulted. Unquestionably, if the Tuscan Government persist in refusing to fulfil this plain and palpable obligation, it will be impossible for Her Majesty's Government to continue to treat with them as an independent nation entitled to the rights of diplomatic intercourse. Consequently, although it is impossible that, consistent with public duty, we can lay before the House any instructions which may have been given to Sir Henry Bulwer, your Lordships will find from one despatch in the papers on your Lordships' table, that, in the event of this plain duty not being recognised by Tuscany, with whatever pain on our part, we shall be compelled to suspend all diplomatic relations with that country.

The MARQUESS of NORMANBY expressed a hope that Lord Beaumont would modify the expressions he had used relative to the state of Central Italy, which he said would almost justify a general insurrection—coupled with a prophecy that such an event was perhaps near at hand. He (the Marquess of Normanby) had lived perhaps more than any of their Lordships in the atmosphere of revolution. He had seen the beginning and end of some of them; and his interest was not less than the noble Lord's in the prosperity of Italy. He was quite sure that the noble Lord only meant to deprecate insurrection; but their Lordships were not aware of the immense importance which was attached to such statements abroad.

EARL FITZWILLIAM said, his noble Friend (the Earl of Derby) in the course of his speech, in justifying the conduct which the Government had pursued in this matter, spoke of a trial to which the Austrian officer had been subjected. He did not understand in what part of the papers before their Lordships his noble Friend could trace any evidence of such a trial. [The Earl of DERBY: I said a court-martial.] There was no indication that any court-martial had been held; and he complained of his noble Friend that, in defending himself and the Government, he had been too hard on the unfortunate gentleman who had been the innocent cause of all that discussion. He stated that Mr. Mather had indignantly rejected all offers of apology; but surely no sufficient apology had been proffered to that injured gentleman. Perhaps when the sum of 5,000*l.* was demanded as a reparation for this outrage, it might have appeared to some persons exorbitant. He confessed it so appeared to himself in the first instance; but he was bound to say, on a consideration of all the circumstances, that he did not think that sum was exorbitant. Mr. Mather was a well-educated man and a merchant; and would any man tell him (Earl Fitzwilliam) that if that gentleman had been prevented by this outrage from pursuing his vocation for the remainder of his life, that 5,000*l.* would have been anything like a sufficient compensation? It did not appear to him that the result of this negotiation would be what it ought to be—to place those of our countrymen who sought the protection of the Government against wanton outrages committed upon them by the subjects of foreign countries in a better situation than they would have been if such negotiations had never been entered upon.

Lord STANLEY of ALDERLEY thought that Mr. Mather had met with hard justice from the noble Earl opposite (the Earl of Malmesbury). He thought there was a great distinction to be drawn between injuries inflicted on private persons by other private individuals, which would properly form the subject of an action at law, and those inflicted by an officer of the Government at a time when he was acting as a public functionary, which would more properly be the subject of remonstrance to his Government. He (Lord Stanley) understood that Sir H. Bulwer had been instructed to disavow the acts of Mr. Scarlett. Now, he thought considerable discretion had been given by the Government to Mr. Scarlett, as to the amount of compensation he was to receive, and the chief object of that gentleman had been to get the matter brought to an amicable termination. They must all see the evil effects resulting from the present occupation of the Italian States by Austrian troops. There was hardly a case of injury done to an English subject in which they would not have disputes about conflicting authorities, and English subjects would be liable to outrages without the possibility of demanding for them just reparation. He would strongly urge upon the noble Earl opposite the importance of making such representations in common with the other friendly Powers to the Italian States as were made in 1832 by the representatives of all the great Powers, who then thought that the security of the territory of the Italian States should depend upon a liberal and equitable administration, by giving to the people free institutions suited to their condition. They would thus obtain greater security and tranquillity, through the love and affection of their subjects, than they could acquire by the aid of Austria, which would give them merely a false security, and, as in this instance, lead them into difficulties with other countries, rendering it impossible for those countries to continue on friendly relations with them.

The Earl of MALMESBURY: My Lords, I received yesterday a despatch which was laid to-day upon your Lordships' table, in which Mr. Scarlett takes the whole responsibility upon himself, and says he was bound down to get 500*l.*; and that should be sufficient, I think, on that point. With respect to the question which the noble Lord asked, I beg to tell him the last despatch to Sir H. Bulwer in these papers is not the last he has received; but what instructions were given in that despatch I cannot tell my noble Friend at present. I can only assure him that the Government are as anxious as he or anybody else that the Austrian and French troops should retire as soon as possible from Italy, and that that magnificent country should be placed in the position among nations to which she is entitled.

Lord BEAUMONT, in reply, said, he felt very well satisfied with the result of the debate that had taken place. The two salient points that had been referred to in the course of his observations had been fully discussed, and he was happy to say that the general impression left upon his mind was, that the discussion was very satisfactory. On the first point, in reference to the responsibility of the Government, there was not any difference of opinion, with the exception of the noble Earl below him (the Earl of Aberdeen). He regretted that so high an authority, and one for whom he entertained so great a respect, should dissent from him on this subject; but he trusted that the general expression of their Lordships' opinion would more than counterbalance the single opinion of the noble Earl. Then with respect to the other point, to which he looked with equal interest, he had received a satisfactory assurance even in the concluding speech just uttered by the noble Earl opposite. He was glad to hear from him that Her Majesty's Government were desirous to come to some settlement by which the Austrian troops should be withdrawn. He was glad to hear that announcement as part of the policy of Her Majesty's Government—he was also glad to find that it was in accordance with the opinion of the Members of the preceding Government—so that the noble Earl opposite might anticipate abundant support in every step he took to accomplish that end. He understood from the noble Earl opposite that it was impossible to get that special despatch containing the last instruction; and with the leave of the House he should withdraw his Motion.

Motion (by leave of the House) *withdrawn.*

HEREDITARY CASUAL REVENUES IN THE COLONIES BILL.

The EARL of DESART moved that this Bill be read a Second Time.

The DUKE of NEWCASTLE: Perhaps my noble Friend would state the object of this Bill, for on looking over it we are unable to ascertain its exact purport, and no explanation of its provisions has been laid before us. I would not call upon the noble Earl to afford us an explanation were it not that no discussion took place in the House of Commons on the subject. Though the attention of several hon. Gentlemen were called to it, it passed there nevertheless without any observation, and we are left in utter ignorance with regard to its provisions.

The EARL of DESART: The waste lands in the Colonies are always vested in the Crown, and have hitherto been granted and disposed of by the Crown, and the monies arising from the sales of such lands have been appropriated under the authority of the Crown and of the Colonial Legislatures, instead of being carried to the Consolidated Fund, as hereditary casual revenues of the Crown; and this Bill is to authorise that mode of disposing of the monies arising from that source. The proceeds of the waste lands are to be disposed of for the advantage of the colony, and any surplus that remains, after expending what is necessary for the advantage of the colony, is to go to the Consolidated Fund.

Bill read 2ª, and *committed* to a Committee of the whole House.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 21, 1852.

MINUTES.] PUBLIC BILLS. — 2° General Board of Health (No. 2).
3° Metropolis Water Supply.

POOR LAW BOARD CONTINUANCE BILL.

Order for Third Reading read; Bill read 3°.

SIR DE LACY EVANS said, he now begged to introduce a Clause of which he had given notice. He contended that it was never intended by the Legislature that the Poor Law Board should have continuous existence, and that, now the Act was in full operation, and uniformity was established, there was no necessity for continuing a Board which entailed on the country an annual expense of 250,000*l.* If the existence of the Board was considered necessary at all, it should be for one year only, in order that Parliament might have the opportunity of fully considering the matter next year, which, in the present state of the Session and the public business, it could not do. In all the large parishes like those of the metropolis the Parochial Board were fully competent to manage the whole business of the poor relief without any interference from the Commissioners; and though the right hon. Baronet (Sir J. Trollope) had thought it right to describe the members of the Parochial Boards as illiterate and ignorant tradesmen, he (Sir De L. Evans), having had the honour of acting with those bodies, had not the vanity to suppose himself superior in any respect to those gentlemen of whom they were composed. The question raised by his clause was as to the right of the Parochial Boards to appoint their own officers, and whether the anomalous powers claimed by the Poor Law Board, of interfering with that right, should be allowed? For more than a century the parochial officers in the metropolitan parishes had been appointed annually by the vestries at Easter, and until lately the Poor Law Board had made no attempt to interfere with that which was understood to be the established law; but now, because the Poor Law Act gave the Board the power to issue regulations, they held it to be within their duty to make such regulations as should entirely annul the powers of the local Boards. It had been said that the ratepayers did not take the same interest in the matter as the vestries; but in the large parish of St. Pancras a meeting of 2,000 ratepayers had passed resolutions asserting the right of the parishioners. There was something anomalous in the powers given to the Poor Law Board. They had no power to appoint officers, but they had the power to retain or to dismiss them after they had been appointed by the Board of Guardians, and also to make regulations regarding their appointment, which in effect annulled the powers which the Poor Law Guardians now possessed of appointing their own officers. Although the Board did not claim the right of appointing, but when, as in the case of the master of St. Pancras Workhouse, they interfered to prevent the dismissal of an officer charged with grave offences, they effectually prevented the free exercise of the legitimate power of the vestries. If the Boards of Guardians were liable to error, the Poor Law Board was not free from mismanagement. It was notorious that the conduct of the Poor Law Commissioners in regard to the Andover case was so unsatisfactory that it led to a total change of the constitution of the Board. He looked upon the present attempt to continue the powers of the Poor Law Board as part of that objectionable system of centralisation which of late years had been the policy of almost every Government.

Clause—

"That nothing in this Act, or in any other Act, shall be deemed or taken to authorise the said Commissioners to continue in any way to enforce, or to issue, any Order by them heretofore made, or hereafter to be made, whereby they may have determined, or may determine, or assume to determine, the continuance in office or dismissal of any officers appointed, or to be appointed, under the provisions of any local Act for the regulation, or the government, or the appointment of the officers of any parish, which contains a population exceeding twenty thousand persons,"

Brought up, and read the First Time.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided*:—Ayes 29; Noes 98: Majority 69.

Sir JOHN TROLLOPE said, he should content himself with opposing the clause on the ground of its being extremely inconvenient to enter into a discussion upon the subject at this period of the Session. If the hon. and gallant Gentleman should have a seat in the next Parliament, he or any other hon. Gentleman might move for a Committee of Inquiry, or take any other appropriate course with the view of remedying any improper exercise of the powers of the Poor Law Commissioners. At the fag-end of the Session the subject raised could not be satisfactorily dealt with. The hon. and gallant Member had stated that the Poor Law Board cost the country 250,000*l.* a year: that statement was a considerable exaggeration. The whole Estimate did not amount to more than 221,361*l.* a year; and the whole amount paid to the Poor Law Board of England was 33,604*l.* The other items of the Estimate were for Ireland and Scotland, and for various charges incident to the management of the poor. With regard to the charge of the hon. and gallant Member, that he (Sir J. Trollope) had on a former occasion aspersed the members of the metropolitan vestries, and had spoken of them as a body of illiterate tradesmen, he utterly and entirely denied having done any such thing. It was true he had read a letter which was addressed to the Board, in which dissatisfaction was expressed at the manner in which those vestries were composed, but he himself had not given any opinion whatever on the subject. The very principle of a Poor Law Board was to secure uniformity in the administration of the law, and that could not be effected if Boards of Guardians had the power to dismiss their officers without the sanction of the Poor Law Board. There was no desire on the part of that Board to interfere with the Guardians in the election of their officers; but it would be a great evil if these officers should be made elective every year, or on the change of every Board of Guardians. It would be the means of converting those officers into the obsequious tools of each successive Board of Guardians, and would be a great prejudice to the public service. Upon every ground, therefore, he must resist the clause. If the clause were adopted, it would destroy uniformity of practice, and the independence of the officers by whom the law was to be carried into execution.

Lord DUDLEY STUART said, he should support the clause, and he would beg to observe what a strange state of things it would be, where the Board of Guardians had thought fit to discharge one of their own officers, with whom they were in the habit of having daily and hourly communication, for the Poor Law Board to step in and say, "No, you shall not dismiss that officer; you shall continue to tolerate him and communicate with him every day!" Such a system could not possibly last. It would be impossible for things to proceed at all if the Poor Law Board were to exercise such an authority. Therefore the parochial bodies ought to have not only the power of appointment but also that of dismissal. It was never the original intention of the law to allow of any interference by the Poor Law Board with parishes governed by local Acts. He (Lord D. Stuart) considered that he was called upon, after what had passed, to defend the management of the poor of the parish of Marylebone, and also the authorities of that parish, in respect to the unwarranted attacks which had been made against them by the right hon. Baronet. [Sir J. Trollope: I only read a letter.] Did not the reading of that letter amount to an adoption of its contents? It was stated in that letter that owing to the manner in which the Board of Guardians were elected, all sensible and reflective men were overborne and put down. But was that the fact? The brother of Mr. Grote was a member of the Board of Guardians; the brother of an hon. and gallant Member of that House also belonged to the Board; as did the hon. Member for St. Albans (Mr. J. Bell). Were not these men capable of managing the parochial affairs without the control of the right hon. Baronet and the briefless barristers of Somerset House? It was said that the opposition to this interference of the Poor Law Board emanated exclusively from the parochial authorities, and that the great bulk of the inhabitants were not averse to it. But that assertion was contradicted by the fact that a meeting was held last week in St. Pancras, consisting of 2,000 ratepayers, who, with one single exception, were unanimous in their determination to resist what they considered an encroachment by the Poor Law Board, and to do everything in their power to maintain the local rights of the parish. Before he concluded he should like to say one word in favour of the poor themselves. In the first place, he considered that the Unions were too large, and it subjected the sick and the aged to great suffering, and sometimes to the loss of life itself in seeking relief at the workhouse. The subject had been mooted before in Parliament—

Sir JOHN TROLLOPE: It does not require an Act of Parliament to lessen the size of the Unions.

Lord DUDLEY STUART thought that arrangements might be made that would ameliorate the evils that now existed. Then as to the forms of giving medical relief, they were unnecessarily cumbrous. If a poor woman obtained an order for the medical man to attend one of her children, and when he came she said to him, "I have another sick child, will you attend to her?" the answer was, "I cannot, without an order from the proper authority." This was a most unnecessary proceeding, and ought to be altered. Then, again, as to the confinement of the aged in the workhouses. According to the present system, the workhouses were converted into so many prisons. Why, when a man had given all the labour he could to society, and had become old, decrepit, worn out, and not worth a shilling, why increase the misery of that man by turning the workhouse, to which he had been at last obliged to go, into a prison? Had he not done as good service to the country by his labour as those who had fought their battles in the Army and in the Navy? and yet what a different system was pursued towards the pensioners at Chelsea and at Greenwich! He hoped that his hon. and gallant Friend would press his Amendment to a division, in order that the country might see who were for the ancient parochial constitution of the country, and who were not; who were those who, whilst on the Opposition side of the House, had supported those rights, had now, that they had passed over to the Ministerial benches, entirely abandoned them.

Sir EMERSON TENNENT said, he thought it unnecessary for him to attempt to answer all the points which had been urged by the noble Lord; and he would therefore pass on to what he conceived would be the practical operation of the Proviso proposed. It must be evident to any hon. Member who was present during the debate on the second reading of this Bill, that the question now raised, though apparently differing in terms, was substantially the same as that then disposed of by the House by a majority amounting to nearly three to one. The Motion of the hon. and gallant Member for Westminster (Sir De L. Evans) might appear to be more limited than that of the noble Lord the Member for Marylebone (Lord D. Stuart); but the object was indentical. The proposal of the noble Lord in opposing the second reading was to exempt from the jurisdiction of the Poor Law Board every parish in England in which the affairs of the poor were now managed under a local Act; and the design of the hon. and gallant Member, by his Amendment, was indirectly to neutralise the decision which was then come to by the House, to confirm and perpetuate that authority, by withdrawing the only means by which it could be effectually maintained. It must be apparent to the House that it would be a mere delusion to continue to the Poor Law Board a nominal power to issue orders and regulations for the proper administration of the poor, and of the funds for their relief, if at the same time they were to be divested of all control over the officers by whom their orders were to be executed; the real question at issue was, should the power hitherto confided to the Poor Law Board, to exercise a prudent and a salutary supervision over the administration of the poor in places under local Acts, be continued as it had been for the last eighteen years, or should it be abolished? It was no narrow or unimportant issue which was raised by this Amendment. If carried, it would effectually annul and render void the authority of the Poor Law Board in upwards of 350 parishes in England, which were now under local Acts. It would affect not alone the parishioners of Marylebone and of Westminster, but 2,000,000 of the inhabitants of England and Wales, and withdraw from its accustomed control no less than 800,000*l.* per annum, or nearly one-eighth of the rates collected throughout the Kingdom for the maintenance of the poor. This sweeping and momentous change came not from those 350 parishes, nor from those 2,000,000 of the population, but from a few of the metropolitan parishes of London, and from three other places—Chester, Chichester, and Alverstoke—which alone had petitioned the House in its favour; in all, but six petitions. Looking to the Reports of the Commissioners of Poor Law Inquiry, which formed the basis of legislation in 1834, and bearing in mind at the same time the object of uniformity, which was the leading purpose of that legislation to establish, it must be obvious that that object would have been more effectually retained by a general repeal of every existing local Act, and the inclusion of every parish in England under one large and comprehensive system for the assessment of rates, and the humane and economical management of the poor. But so tenacious was the Legislature of venturing on a measure so summary, such was the axiety to consult the feelings, and even the prejudices, of these localities, that, leaving the local Acts unrepealed, Parliament was contented to invest the Poor Law Commissioners with a power of supervision and direction, confiding the actual administration of the law to the local directors, in whose hands it was resolved to continue it. Such an arrangement was no doubt irregular and exceptional. It defeated, *pro tanto*, the original object of extended uniformity, and it exhibited the anomaly of contiguous parishes differing in no essential particular in their internal condition and circumstances, yet administered under different Acts and by officers with different functions and titles. But the retention of this anomaly was in itself a concession to popular feeling, and in that spirit of conciliation the law had since been administered by the Poor Law Commissioners and their successors, the Poor Law Board, with such public contentment and satisfaction, as was attested by the absence of petitions and complaints. He by no means wished it to be inferred from this that the interference of the Board in places over which the locally constituted authorities had been left in the exercise of their own powers, had not occasionally been disputed, and attended with more or less of irritation on the part of those to be controlled. The very discussion now in progress was evidence to the contrary; and, in fact, to intimate this would be to imply that in parishes under local Acts the administration was so perfect as to exhibit none of those irregularities which were only to be kept in abeyance by perpetual vigilance, even in Unions constituted under the Poor Law Amendment Act itself. The records of Parliament were demonstrative of directly the reverse; and the Reports from time to time laid before the House, showed that mismanagement and abuses were as liable to occur in places under local Acts as in Unions administered under the uniform system of the Board. But these records attested at the same time that the authority vested in the Poor Law Board, for the control of that mismanagement, and for the correction of those abuses, had been exercised with such discretion as to insure the general concurrence of the public, and, when appealed to, the confirmation of the Courts of Law. If a parish was to be left for the administration of the poor solely to the unaided operation of its own local Poor Law Act, it must be presumed, first, that that Act was itself a perfect code, including every necessary provision for every possible emergency connected with its object; and, secondly, we must be satisfied that the local Act so to be perpetuated was the best of its kind that the Legislature could provide; at least, better in all particulars than the Poor Law Amendment Act, of the benefit of which the locality was to be deprived. On both points he would beg to direct their attention to a passage in the Ninth Annual Report of the Poor Law Commission, which struck him as so conclusive as to dispose of the question of transferring these places to exclusive local management. The Report said, that to argue in favour of such a project was

—"to assume that the constitution of the Board of Guardians in a parish under a local Act is of itself a sufficient guarantee against all abuses of Poor Law administration. But if any such constitution could have been found, the Legislature would probably have selected it, and made it universal. The very circumstance of the constitution of a Board of Guardians being confined to a single parish, and not being thought worthy of imitation, raises a presumption against its goodness. On the other hand, the constitution of a Board of Guardians under the Poor Law Amendment Act was deliberately preferred by the Legislature to any of the constitutions under local Acts, from all which it differs, and it could only have been so preferred because it was considered to be better. It may, therefore, be presumed to afford greater security against abuses than any one of the various constitutions under local Acts. Moreover, if any one of the constitutions under local Acts afforded that security, they could not all afford it, inasmuch as hardly any two of them are alike, and, in general, they differ as much from one another as they do from the Poor Law Amendment Act itself."

Now that was a fair argument against the efficiency and quality of those local Acts, even so far as their limited provisions extended. With regard to the Motion of the hon. and gallant Member for Westminster, although the powers possessed by the Poor Law Board over the officers employed under local Acts were numerous, yet the hon. and gallant Member sought only to deprive them of one, leaving the others undisturbed; but the removal of that one was not without design, as the withdrawal of the power to dismiss would effectually neutralise all the rest, though left apparently intact. To the Poor Law Board it was of importance that it should continue to be invested with this power for the enforcement of its orders. Were the authority of the Board to be practically weakened by the ascertained wishes of the local guardians in opposition to them, the result would be that the pressure of pauperism would speedily break down every precaution of prudence, and sweep away the whole resources of the ratepayers. But to the Guardians themselves the continuance of this power in the hands of the Poor Law Board was a matter of no slight importance. It not unfrequently occurred that an order issued by the Poor Law Board might be highly approved of by the local Guardians, although opposed to the popular feeling of the ratepayers and the public. Its execution, under such circumstances, was always a matter to them of embarrassment and difficulty—a difficulty which at once was surmounted by an appeal to the fact that executive officers in such a case were under the direct control of the Poor Law Board, and bound to execute their orders irrespective of any local interference. A still more frequent and not less important case was that in which the Guardians themselves, although duly sensible of the incompetence or demerits of an officer, might still shrink from his dismissal, in opposition to political or other influences which might be exerted in his behalf. Here, again, the interposition of the Board was at once a protection to the ratepayers, and a relief to the local embarrassment of the Guardians. The best security which the poor and the ratepayers now had for obtaining the service of men of ability and integrity as local officers, was derived from the certainty which these men felt as to the permanence of their employment, and the assurance which they had that good conduct would lead to promotion and reward. Even now, with every prudent precaution for the protection of such men, they were exposed to perpetual attacks and frivolous charges. The Poor Law Board within the last few years had had to resist numerous attempts made by Boards of Guardians to reduce the salaries of their officers below a proper amount for their subsistence. But this protection of the officers in the enjoyment of a just remuneration for their labour, would be obviously incompatible with a power to be vested in the Guardians of dispensing arbitrarily with their services in the event of opposition or disappointment. It must be borne in mind that one-half the salaries of schoolmasters and medical officers to Unions was now defrayed from the Consolidated Fund, and that consequently the public possessed an effectual check upon the selection and retention of competent persons, through the responsibility of the Poor Law Board, who must account to Parliament for its proceedings in relation to such officers; and his opinion was that the safest and most beneficial depositary of the power of dismissal was the hands to which it was now intrusted. The Poor Law Board had exercised the power of control of which it was thus sought to deprive them, for nearly eighteen years. During that period they had had under their authority continually upwards of 14,000 paid officers engaged in the administration of the Poor Law, of whom 1,000 had been attached to places governed under local Acts of Parliament. During the entire of that period but twelve persons out of that number of 1,000 had been removed from their employment, and in no case did the removal take place in opposition to the wishes of the local Guardians; and in every instance such dismissals had been ordered on the ground of fraud or peculation, of incompetence, or of proved neglect—of cruelty, or oppression of the poor. Under these circumstances, it was difficult to discover a reasonable ground for the impatience of this exercise of authority as exhibited by the Guardians of the metropolitan parishes, from whom alone the present proposition proceeded. He (Sir E. Tennent) believed that in all the long period he had alluded to, since 1834, but one officer in any metropolitan parish had been dismissed by the Board, and that took place with the entire concurrence of the local Guardians; and, so far from the power being objected to by the numerous Unions throughout the length and breadth of the Kingdom, applications were constantly made to the Poor Law Board to exercise its authority in the case of delinquent officers, with the full knowledge that dismissal must follow as the result of inquiry and the substantiation of the charge. Without, therefore, attempting to conjecture a motive for a Motion which, by itself, appeared unaccountable, he would content himself with inviting the House to resist it as unjust towards the officers whom it would affect, unwise as regarded the Guardians themselves, and totally inconsistent with the exercise of those powers which the House had already decided to continue in the hands of the Poor Law Commissioners who were responsible to Parliament for their application.

MR. HUME said, the only question was whether the Poor Law Act should be allowed to work well in the metropolitan parishes, as it had hitherto done, or whether it should be prevented by such interference as that which at present existed. The hon. Gentleman (Sir E. Tennent) said that the salaries of the officers with whom they wished to interfere were partly paid out of the Consolidated Fund; but he could assure him that the officers of the discontented parishes did not receive a shilling from that source. What he wanted was that they who had the power of appointing officers should, if they misbehaved, have the power of dismissing them, for unless that were so great, insubordination must be the result. He hoped the Poor Law Board would not exercise the power of interference in the metropolitan parishes. The clause in question had always remained in abeyance until the question had been raised in St. Pancras, and it had been productive of suits at law and litigation. He hoped the Government would allow his hon. and gallant Friend to insert the clause.

SIR GEORGE PECHELL said, he thought it very imprudent on the part of the hon. Member (Sir E. Tennent) to challenge those Members who represented parishes that were under local Acts by saying the present opposition only emanated from the metropolitan parishes. The truth was that a great majority of parishes in the country were equally opposed to the interference of the Poor Law Board, but they left the question to the metropolitan parishes, because of their having more experience on the subject. With regard to a parish in Gosport which was under a local Act, it had been favourably reported of by Lord Courtenay, and the people there were at a loss to know why the Board should interfere, unless it were to give employment to their own establishment; for, in consequence of the present peaceable and prosperous state of the country, the Poor Law Board had hardly sufficient for one half of their staff. But why was the Bill to be continued for two years instead of one? He was aware that some persons proposed to continue it for five years. But Government only asked for two. What was their reason? Their reason obviously was, that they wished to leave to their successors the difficulties attending the question, for they well knew that their opponents would be in office before the expiration of two years, and then they would have thrown upon them all the odium and all the burden attending upon the subject of the Poor Laws.

MR. JACOB BELL would only say that when charges were made against the parish to which he belonged, he did his best to refute them, and he would now support the clause of the hon. and gallant Member for Westminster.

VISCOUNT EBRINGTON said, that the powers of the Poor Law Board were very limited as regarded Unions, and it was only when now and then they caught an officer who was guilty of maladministration, that they were able to dismiss him; but the main power was in the Guardians. He could not avoid expressing his surprise at the present proceeding in the metropolitan parishes, when it appeared that the average increase of mortality in the workhouses of those parishes was from about 19½ per cent in 1850 to about 23 per cent in 1851; and in the workhouse of St. Marylebone from about 24¾ per cent in 1850 to about 30 per cent in 1851; and in that of St. Pancras from about 23½ per cent in 1850 to about 26 per cent in 1851. The House ought to hesitate to add to the power of such bodies who had failed in their duty, as was proved by the frightful increase of mortality in the workhouses.

Mr. W. WILLIAMS said, that it was notorious that the increased mortality in the metropolitan workhouses spoken of by the noble Lord, arose from the casual poor who were received from the street, and had nothing to do with the working of the Poor Laws with regard to the real poor of the parish.

Sir BENJAMIN HALL said, that the noble Lord (Viscount Ebrington) had made very sweeping charges against the Poor Law Officers of the metropolitan parishes. The noble Lord was always opposed to any measure for the benefit of the metropolis, such as the Burial Bill and the Water Bill, unless they were introduced under the auspices of the Board of Health and Mr. Chadwick.

Motion made and Question put, "That the said Clause be now read a second time."

The House *divided:*—Ayes 29; Noes 98: Majority 69.

Mr. HUME said, he would urge on those who had charge of this measure not to continue this system of interference with the metropolitan parishes, which had never occurred during the presidency of the Poor Law Board by the right hon. Gentleman, the Member for Hull (Mr. Baines).

Sir JOHN TROLLOPE said, that the litigation with St. Pancras had been found by him in the office when he succeeded the right hon. Gentleman the Member for Hull, on whom so many encomiums had been passed.

Mr. BAINES begged to say, that the present subject of litigation with the parish of St. Pancras arose in 1846.

Bill *passed.*

METROPOLITAN BURIALS BILL.

Order for Committee read.

House in Committee.

Clause 1.

Lord JOHN MANNERS said, he would beg to move the addition of these words:

> "Provided, that it shall be lawful for Her Majesty to continue during the continuance of the General Board of Health the appointment of the additional member of such Board authorized by the said Act, and the salary of such member fixed as in the said Act mentioned shall be paid as by Section 7 of the Public Health Act, 1848, is directed concerning the salaries therein mentioned."

Sir BENJAMIN HALL begged to ask for an explanation of the Proviso.

Lord JOHN MANNERS said, that it was found necessary to have the signatures of two members of the Board to all documents; and it therefore became necessary to continue the salary of Dr. Southwood Smith, who acted as a second Secretary to the Board of Health. It would be unreasonable to expect him to discharge the duties required of him without renumeration.

Mr. MACKINNON said, he wished to call the attention of the noble Lord the First Commissioner of Works to a provision of the Bill now about to be repealed, namely, that inspectors should be appointed to prevent persons keeping dead bodies in their Houses beyond a certain time. He saw no such provision in this Bill. He hoped a similar provision would be introduced.

Lord JOHN MANNERS said, the principle of the present Bill was permissive, and not compulsory; it was therefore imimpossible to enforce the removal of bodies, as suggested by the hon. Gentleman. But power was given to erect reception houses for the bodies of the poor, and to appoint persons to superintend the removal of those bodies.

Viscount EBRINGTON said, they were about to pass an Act in haste to repeal an Act which had been passed after great deliberation. The Government was now in the possession of a large piece of ground which was available for a burial ground, and which would enable the noble Lord (Lord J. Manners) to shut up immediately 100 places of burial in this metropolis and its vicinity. By availing themselves of this for a temporary purpose, passing a temporary Act, if necessary, to give the requisite powers, they might reserve the main question of metropolitan interments until the next Session of Parliament.

Sir BENJAMIN HALL said, he would beg to remind the Committee that the question immediately before them was whether the salary of Dr. Southwood Smith (for it was to his salary that the clause alluded) should be continued or not. That gentleman was appointed under the Metropolitan Interments Act of 1850. That Act was to be repealed by the clause then under consideration; why therefore, he asked, should Dr. Southwood Smith have his salary continued when he would have no further duties to discharge?

Lord JOHN MANNERS said, that Dr. Southwood Smith was originally appointed under the Act of 1848.

Lord SEYMOUR said, he must beg leave to correct the noble Lord: Dr. Southwood Smith was first appointed under the Act of 1850.

Lord JOHN MANNERS: But Dr. Southwood Smith was acting under the Board previously to that period, and as it has been found in practice convenient to require that two members of the Board should be present, and should sign all documents issued by the Board, and as Dr. Southwood Smith was one of the members of the Board whose signature was generally required, it was but fair that he should be remunerated for his trouble. If Parliament should be pleased to determine that the act of one member of the Board should be sufficient, then the objection of the hon. Baronet (Sir B. Hall) would be fair. It was a fact that he, as President of the Board, could seldom attend to take part in its proceedings.

Lord SEYMOUR said, there was considerable inconvenience in the constitution of the Board itself. Although he, when President of the Board, was responsible to Parliament for the proceedings of that Board, yet when he attended the Board and made a proposal, it was seldom he could get a seconder, for Mr. Chadwick and Dr. Southwood Smith, forming the majority of the Board, carried the question against him. He had told the Government that it was impossible to go on in that way. He thought it would be far better if some Lord of the Treasury were to assist Mr. Chadwick, so that the Government might have some possibility of controlling the Board, and preventing the inconvenience and delay of business which now repeatedly occurred.

Viscount EBRINGTON said, his impression was, that Dr. Southwood Smith first acted under the Nuisance Removal Act; and, if he were not mistaken, it was the hon. Member for Finsbury (Mr. Wakley) who first proposed that some medical gentleman should be appointed to the Board of Health. He agreed in that proposition, and that it was proper some medical man should be connected with a Board having to deal with questions of a medical or a *quasi* medical character.

Mr. T. DUNCOMBE said, according to a return he had himself moved for, Dr. Southwood had received 1,200*l.* for his services under the Interments Act of 1850. That Act was to be repealed. The functions of Dr. Southwood Smith would therefore cease; why, then, should he continue to receive 1,200*l.* a year? All that Dr. Southwood Smith had done for the Board of Health was to go to Paris and to assist in writing 10,000 letters. But the Board of Health having proved a dead failure, was about to be repealed, he hoped the Doctor would follow the Board.

Lord JOHN MANNERS said, he must repeat, that as long as two members of the Board were necessary to the transaction of the business of the Board, they must be paid. He agreed with his noble Friend (Lord Seymour) that the constitution of the Board required revision, and the whole question must come under revision within the next two years. All he now asked for was a temporary arrangement during that period, in order that injustice might not be done to Dr. Southwood Smith.

Sir BENJAMIN HALL said, that from the manner in which the noble Lord had explained the matter, he considered it was not worth while to divide the Committee on the subject.

Clause *agreed to.*

Clause 2 (On representation of a Secretary of State Her Majesty in Council might order the discontinuance of burials in any part of the metropolis after a time mentioned in the order).

Captain FITZROY moved, that instead of the words "after a time mentioned," the words "after one year of making the order" should be inserted, thus enabling proprietors of existing burial grounds to provide themselves with new ones after the issue of the closing order.

Lord JOHN MANNERS said, he had no objection to the Amendment.

Lord SEYMOUR said, by the clause it would be compulsory on the parties to close the burial grounds, but it would be optional with them to open new burial grounds; now suppose they should refuse or delay opening new burial grounds, what was to happen in that case?

Mr. WALPOLE said, he must admit that he had already foreseen this difficulty, and thought that it ought to be equally compulsory on the parties to provide a new burial ground as well as to close the one directed by the Secretary of State; but this was but a temporary measure, founded upon a permissive principle—therefore, in the first instance, perhaps, it might be better to leave the parties to act permissively.

VISCOUNT EBRINGTON said, he must object to so long a period. Everybody knew the serious dangers arising from burial grounds during the hot summer months. He thought it would be desirable not to precipitate the matter, but to pass a temporary Act, calling into employment as burial grounds the 150 acres or more that were stated to be unoccupied immediately around the metropolis, and to defer the subject for future consideration.

The House resumed. Committee report progress.

BRENTWOOD SCHOOL AND CHARITY.

MR. HARDCASTLE said, he begged to ask the hon. and learned Attorney General if he would state the reasons which induced him to accept the sum of 2,000*l.* in satisfaction of a sum of upwards of 7,000*l.* due to the Brentwood school and charity from the estate of the late head master. The affairs of Brentwood school had been in Chancery for the last twenty-five years, and had been recently placed by the Master in Chancery under a master and two wardens. During the process of the Chancery suit the rent of the school had been received by the late head master the Rev. Mr. Tower; and at the time of his death he owed the charity a sum of not less than 7,000*l.* About two years ago the late Attorney General offered to take the sum of 2,000*l.* in commutation of the debt; but the representatives of the late head master would then only offer 500*l.* A prosecution was instituted, and 2,000*l* was finally agreed to. He wished to know whether a proper inquiry had been made as to whether the estate of the late head master would not have yielded more?

The ATTORNEY GENERAL said, he entertained very considerable doubt whether he ought properly to answer the question, because this was a case in which a Chancery suit had been instituted, which was still pending; but inasmuch as his discretion had been impeached by the question of the hon. Member for Colchester, he should be very reluctant indeed to shelter himself under any circumstance of that kind, and he would endeavour to explain the nature of the case as clearly as possible. The hon. Gentleman had omitted a very important circumstance in the consideration of the question. There were in Brentwood two charities—one a school, and the other almshouses. Mr. Christopher Tower was the patron of both school and almshouses, and his right to the patronage had been decided by the Court of Queen's Bench. Mr. Christopher Tower appointed his brother, the Rev. William Tower, head master of the school. The school fund proper was not sufficient to support an efficient school; but there was a considerable surplus in the almhouses, and the Rev. Mr. Tower appropriated to his own use the surplus revenues of the almhouses, that course being justified by Statutes which were made in 1622, and also by the practice of his predecessors. A bill was filed against him, and in 1833 there was a decree, not for an account but for a scheme for the administration of the revenues of the charities. No receiver was appointed at that time, and Mr. Tower continued to receive the surplus revenues of the charity as he had been in the habit of doing till 1847, when he died. Probate was taken out of his will, and the property was sworn under 7,000*l.* A supplemental bill was then filed against the new master, and in 1849 the Master of the Rolls decreed an account against Mrs. Tower; but he stated that it was a case of great hardship, and he strongly recommended the Attorney General to deal leniently with her. The Attorney General of the day, in November, 1849, agreed to let off Mrs. Tower for the sum of 2,000*l.*; but the grand object which the Attorney General had in view was to secure the consent of the patron to apply the surplus of the revenues of the almshouses to making the school more efficient; and the only hold which he had upon the patron was this account which had been received against Mrs. Tower. Ultimately Mr. Christopher Tower, on the understanding that the account would not be pressed against Mrs. Tower, agreed to a scheme by which the surplus of the almshouses is to be applied to the upholding an efficient school at Brentwood. The present master and wardens had nothing to do with this arrangement, and they opposed it in every possible way. They were entirely in error in supposing that there was only one charity, and that the question was only whether the estate of the Rev. William Tower was sufficient to pay the amount due from him. Acting entirely in the liberal spirit which was recommended by the late Master of the Rolls, he had consented to take this 2,000*l.*, at the same time imposing on Mrs. Tower a liability to which she was not subject under the former arrangement, that of paying her own costs. At the same time, if that arrangement was not a proper one, it could be renewed by the Master.

CASE OF MR. MURRAY.

Lord DUDLEY STUART said, he begged to call the attention of the noble Lord the Under Secretary for Foreign Affairs to the case of Mr. Murray, now lying under sentence of death at Ancona, and he wished to ask the noble Lord if the Government had received any intelligence from Rome which led them to suppose their efforts in his behalf would meet with any success? The petition of the English inhabitants of Rome, praying for the remission of Mr. Murray's sentence, admitted his guilt, or at least threw no doubt upon it; but he was induced to call the attention of the Government to that question because he had received letters from Italy from persons who stated their entire belief in his innocence.

Lord STANLEY said, that Mr. Murray was still confined at Ancona, but that there was now every reason to hope that his life would be spared. With regard to the question of his guilt or innocence, that was one on which he could not give any positive reply at this moment. He could only say that both Sir Henry Bulwer at Florence, and Mr. Moore at Ancona, were using their utmost exertions to obtain such information on the real facts of the case as might enable them, and through them might enable the Government, to form a well-grounded opinion whether Mr. Murray were guilty or no. At present neither they nor the Government were in possession of sufficient information to enable them to decide that point.

Lord DUDLEY STUART said, the next question he had to put was, whether the Government had taken, or would take, any measures to obtain the proceedings on Mr. Murray's trial, so as to enable the public to judge of his guilt or innocence?

Lord STANLEY said, he must remind the noble Lord that he was now putting a question of which he had given no previous notice whatever. The noble Lord had given notice that he intended to ask what information the Government had received respecting Mr. Murray's probable fate. To that question he had replied; and he could now only repeat that Government were taking every means in their power to get at the real facts of the case. Further than that he could not say.

BUSINESS OF THE HOUSE.

The CHANCELLOR of the EXCHEQUER said, it was always with great reluctance that he trenched upon the privileges of independent Members, but he now put it to the House whether they would allow the Government to proceed to-morrow afternoon as well as in the morning with the Government measures. On looking at the subjects which were to be brought before the attention of the House to-morrow by hon. Members, he perceived that, though they were all of an interesting, they were not of a very urgent character. The hon. Member for Richmond (Mr. Rich) was to move for a Select Committee upon the Police Force of England and Scotland; then, the hon. Member for Westbury (Mr. J. Wilson) was to call the attention of the House to the position of the Sugar Trade; and another notice stood in the name of the same hon. Member with respect to the trade of Scinde. Now, these were not matters of a very urgent character. Although the Government were arranging the business with a view to the consummation of that which was of all things wished for, there were certain unavoidable accidents, like that of to-night, for instance, and that of last Monday, which raised debates tending to interrupt the course of business, but the importance of which no one could question. The Motions to which he alluded, however, were not, he must say, of that nature; and he put to the House, therefore, whether the Government might not take the whole of Tuesday for Government business?

Mr. HUME said, he had a Motion upon the paper for to-morrow, but, being very anxious for the consummation alluded to by the right hon. Gentleman, he should give it up.

Mr. RICH said, his observations in moving for a Committee would only take five minutes, but if it was the wish of the House, he would not occupy their time.

Lord JOHN RUSSELL said, the hon. Member for Westbury (Mr. J. Wilson) was not present, but the hon. Member would, he was quite sure, agree, under the circumstances, to withdraw his Motion.

Mr. VINCENT SCULLY, in order to facilitate the progress of public business, wished to ask the right hon. Gentleman the Chancellor of the Exchequer a question. He found on the Notice Paper that evening a Bill called the Irish Valuation Bill, and no less than sixty-nine amendments were to be proposed. Now, this was a Bill to set aside all previous valuations in Ireland, and to introduce a new system; and, seeing that very few Irish Members were in town, he thought the present was no time to bring it forward. He (Mr. V. Scully) had abstained from putting any of his amendments at all upon the paper; but if the Bill was proceeded with, he should feel it his duty to propose some amendments and to make some short observations. He wished to know whether it was the intention of the right hon. Gentleman to persevere with that Bill, the discussion of which, he was sure, would delay for two days the termination of the Session?

The CHANCELLOR OF THE EXCHEQUER said, that after the menacing observations of the hon. Gentleman he should certainly pause, and if he had reason to believe that the sixty-nine amendments would be pressed, and that two additional days would be thereby lost, he should not press the Bill. The hon. Member for Colchester (Mr. Hardcastle) had a Motion on the paper for to-morrow night on the subject of Church Rates, and he should like to have his opinion as to its postponement.

MR. BRIGHT said, the hon. Member was not present, but he (Mr. Bright) should certainly urge him not to proceed with his Motion.

COMMITTEE OF COUNCIL ON EDUCATION—THE MANAGEMENT CLAUSES.

On the Motion that the Consolidated Fund (Appropriation) Bill, as amended, be considered,

LORD JOHN RUSSELL said: It has been usual, when the votes before the House in Committee of Supply are taken, for the Government to give explanations with respect to the Vote for Education; and my hon. Friend the Member for Dumfries (Mr. Ewart) has more than once called on the Government to explain to the House what has been the progress of education, and the nature of the Votes connected with education. My right hon. Friend the Member for Northumberland (Sir G. Grey), when he held the office of Secretary of State for the Home Department, made that statement to the House; and last year, during his absence in consequence of indisposition, I stated to the House the sum required, the application intended to be made of it, and the general progress of education during the year.

I understand that in the present year the Vote has been taken without any particular explanation having been given; and this circumstance is the more remarkable as a Minute has been issued relative to many very considerable and important alterations on the subject of what are called the management clauses. When I took the opportunity, a few days ago, of calling the attention of the House to the alteration made in those clauses, the Minute had not then been placed upon the table of the House, and I stated that I thought it would have been better, considering the importance of this subject, if the Government had taken further time to deliberate, and had not, after such deliberation, proposed till next year any change. The right hon. Gentleman the Chancellor of the Exchequer then stated that there was no intention on the part of the Government to act otherwise than according to the ordinary course on such occasions; he quoted several precedents to show that Minutes had been agreed upon which were not laid immediately upon the table of the House; and he declared that nothing at all unfair or dishonourable was intended towards the House. Now, Sir, I am quite willing to leave that part of the question as it stands; I don't wish to revive that part of it. The right hon. Gentleman stated what I have said, that I accept his declaration that he did not intend to act with any degree of concealment towards this House in preparing the Minute upon the subject of this change.

But, Sir, the subject is of so much importance that I think it is desirable the attention of the House should be turned to it before the Session ends. In calling the attention of the House to it, it is necessary that I should refer for some time both to the general proceedings which have taken place upon this subject of Votes for Education, and likewise to the particular subject of the management clauses, with regard to which the alteration has been made. The House will recollect that after some 20,000*l*. or 30,000*l*. had been voted for several years, from 1832 to 1839, for the purpose of aiding education by giving assistance to the National and the British and Foreign School Societies, it was proposed in 1839 to make the members of the Privy Council a Committee who should undertake the application of any grants which should be made by Parliament, and should divide those grants, under the superintendence and supervision of Parliament, in such a manner as might tend to promote the education of the people generally. The proposal, when made, excited a good deal of jealousy and hostility, both throughout the country and in Parliament, and the present Prime Minister brought forward the subject in this House, not supporting those who then formed the Government, but imputing to them every kind of dishonourable motive for introducing that change with regard to education. The Motion which he proposed, altogether refusing any power to the Crown to appoint a Committee of Council on Education, was rejected only by a majority of five, and the vote afterwards proposed by the Government was carried only by a majority of two. However, the matter was placed in the hands of the Committee of Council, presided over by the Marquess of Lansdowne, and I have the satisfaction of stating that, notwithstanding the jealousy and hostility which were raised to the measure, and notwithstanding the obloquy to which the Government of that day were subjected, not only then but for several years afterwards, as to their propositions, that hostility and that jealousy have been greatly allayed, and by general consent great improvements have been made in popular education in consequence of the appointment of that Committee of Council. That result is, in a great degree, to be attributed to the judgment, to the temper, the discretion, the resolution, and the forbearance which were shown by the Marquess of Lansdowne in all his acts and in all his correspondence with respect to this important subject. He took it up with great zeal, with great determination to further the object contemplated, but at the same time he listened most attentively to all the objections which might be made by the various parties interested, both by the Established Church, by those who represented the British and Foreign School Society, and by various other bodies representing those who dissent from the Established Church. After a very long series of conferences with the late Archbishop of Canterbury, arrangements were made (of which I am not able to state the exact date), by which inspectors should be appointed, and by which those inspectors should visit the schools in connexion with the National Society.

In 1831 Sir Robert Peel succeeded to office, and immediately—although he was one of those who had felt the objections to the original appointment most strongly—yet, seeing by its means the progress of education was in a fair train to be successful, he reappointed the Committee of Council on Education, and placed at the head of it the late Lord Wharncliffe. I am sure I can say that no person who has filled the place of the Marquess of Lansdowne did so with greater ability, with greater judgment, or with a greater spirit of fairness to all parties, than did Lord Wharncliffe. Accordingly, the British and Foreign School Society received grants on terms not dissimilar to those which were already settled for the Church of England, and the progress generally made in education throughout the country was still satisfactory. In 1846 other Minutes of the Council were agreed to, by which the plan of education was, as I believe, greatly improved—by which certain gratuities were to be given to the teachers, by which pensions were to be allowed for deserving schoolmasters disabled by age or infirmity from pursuing their avocations, and by which the most meritorious of the scholars might become pupil teachers, and supply in a more beneficial way than had hitherto been the case the place of the monitors employed to assist the schoolmasters.

In 1847 the Marquess of Lansdowne, in a Minute issued in the beginning of the month of February, stated the arrangements which had been made, and called the attention of the House most pointedly to that subject. Like the change made in 1839, however, very great opposition was made to the change which was carried out at that time. That opposition was made, however, principally by the upholders of the system of voluntary education, but it was overcome in this House, and since that time I may say that the progress of education has been undeniable, and even those by whom objections were then raised, have acknowledged that very great advantages have accrued by the course adopted.

With respect to the money grants, they have advanced from 20,000*l.* a year to 150,000*l.* a year during that period; and with respect to the arrangements made, I think the Church of England have had no grievance to complain of as to their share in these grants, for 78 per cent of the sum voted was granted to schools in immediate connexion with the National Society, or with the Church of England. Arrangements for inspection were made in such a manner that no inspectors should be appointed to Church schools without the consent of the archbishop, and the inspector might be removed upon the decision of the archbishop of the province. Arrangements were also made that the reports of these inspectors should be sent to the bishop of the diocese, and there were likewise arrangements that if on any subject relating to religion there was a difference between the committee that should be appointed to manage the school and the rector or curate, or the clergyman who had the general superintendence of religious education, that that question should be referred to the decision of the bishop, and that the bishop's decision should be final. I think, therefore, that the Church of England has no reason to complain of the arrangement which has been made. On the other hand, it was very satisfactory to find that there was not, on the part of the Dissenting bodies, any complaint that the Church of England had this very large proportion of 78 per cent of the grant.

But, while it was allowed that the inspectors of Church schools should be appointed only with the consent of the archbishop, and while every security was taken that the religious instruction in those schools should be under the direction of the minister of the church, and of the bishop of the diocese, those who in the Committee of Council deliberated on this subject made with respect to one question a condition which they considered essential to the working of the system. A question had arisen at the time when Lord Wharncliffe was President of the Council in various cases with respect to local committees of management. It had been found, according to the former system, when a grant was distributed by the Treasury, that, after the money had been spent, the arrangements were frequently put an end to, and the school discontinued, and so the whole cost incurred was incurred for no purpose. It was suggested by the Committee of Council that permanent arrangements should be made by which the committee of management should be permanently established. This committee was to be duly formed according to the population of the place in which the school is situated—in some places it was to consist of a certain number of laymen, in others of a less number, and in some, where it was impossible to find a committee of laymen sufficient to fulfil the duties, the management was left in the hands of the clergyman of the parish. But it was decided that there should be no absolute power in the hands of the clergyman of the parish; and Mr., now Sir Kay Shuttleworth, in one of his letters, says—

> "On these grounds, their Lordships must finally declare that they cannot consent to permit the permanent constitution of the school, in so important a matter as the establishment of an appeal to the bishop of the diocese in matters not relating to religious instruction, to be determined by the local subscribers to schools, to the establishment and support of which it is now provided that the State should so largely contribute."

That was the decision made by the Committee of Privy Council. I do not wish to enter now into any discussion with respect to the wisdom of that decision, but it certainly appeared to us to be founded on fair and impartial principles. There has been, however, from that time a great desire on the part of a certain portion of the clergy to overturn that part of the arrangement, and to obtain complete power over the secular instruction of the schools. That this portion of the clergy was not a very large one, appears, I think, from a statement which was produced, I believe, in consequence of a Motion made by a right hon. Gentleman whom I see opposite, the President of the Board of Trade. By this document it appears that there had been, I think, about 370 schools which had applied for grants in connexion with the National Society, where the grant had not been finally made, and I think upwards of eighty in connexion with the Church of England Schools, and out of the 370 there were but eight to which the grant had been refused, on the ground that they objected to the management clauses; and with regard to the Church of England schools not connected with the National Society, there were but two to which the objection was made. It was obvious, therefore, that it was not a very large proportion of the Church which asked for this power to be given into the hands of the clergy. At the same time, although it was not a very numerous body, the activity shown by them on this subject was exceedingly great.

At one time it was recommended by this party that there should be an agreement between the schoolmaster and the clergyman that upon receiving notice from the clergyman the schoolmaster should, in the course of a week from the period of notice, give up his situation. That would, of course, have placed the whole management in the hands of the clergy; but that course was not, I believe, finally recommended by the National Society itself. At other times various clergymen have proposed alterations in the clauses of management, to some of which there certainly was no conclusive objection, but they were at variance with the general arrangements made with respect to the management of the schools. In this condition the matter remained. Archdeacon Denison had, I believe, proposed some alterations at the meeting of the National Society, but his proposal, whatever it might be, was rejected, and the Committee of Council and the National Society remained on the same amicable terms as before.

Well, Sir, things were in this condition, much good having been effected, and agreements having been made with the various bodies who were conducting education in this country, and who each had separate reasons of distrust, or a wish to carry particular measures of their own; but all these difficulties had been generally overcome when the noble Lord at present at the head of the Government came into office. I own it appears to me that it would have been wise, considering the difficulties there would be in the first introduction of this alteration — considering that, altogether, both the Established Church and the various Dissenting bodies seemed to be satisfied with what had been done—it appears to me that it would have been wise, inasmuch as the Ministry did not profess to bring forward any but measures of urgency, to have left this question so far untouched as only to carry on the ordinary business, to entertain the applications made by the different schools, and not to have altered the general rules.

However, such was not the view taken by the present Government. They appointed a Committee of Education of the Privy Council, who were, I suppose, composed of the responsible Ministers of the Crown. I do not know that there has been any formal document stating the names of that Committee. [The CHANCELLOR of the EXCHEQUER: The names were published in the *London Gazette.*] They were, I suppose, published in the *London Gazette*, but the Government have not in any document laid before this House given the names of the Committee of Education. But without finding fault with those appointments, and without precisely recollecting who were the members of that Committee, it appears that they came to a very important resolution on the 12th of June. I have stated that up to the present moment, if there is any difference between the local committee conducting the school and the clergyman with respect to religious instruction, there is then an appeal to the bishop of the diocese, and that he has the sole power of determining and deciding that difference, and, if necessary, the schoolmaster must yield to that decision, and abandon his situation. But, if there is a difference between the clergyman and the committee upon any other subject than religion, then in that case it was provided, after a great deal of communication and correspondence with the parties, that the Lord President of the Council should name one of the inspectors of schools, that the bishop of the diocese should name a clergyman, and that, if the two should not agree, then that a magistrate of the county should be chosen by them—[Sir JAMES GRAHAM: Who must be a layman]—and that by these three the question should be decided. Now, seeing that the Lord President was restricted in his choice to an inspector of the Church of England schools, and that these inspectors were in almost every case clergymen, and must be first approved of by the archbishop—that the bishop, in his turn, named a clergyman, and that thus two out of three arbitrators were clergymen of the Established Church, it appeared to us that there was no ground for apprehension that cases of this kind would be decided with any unfair bias as against the Church by the clergymen appointed.

But it appeared to the present Committee of Education that this was not security enough, and they have inserted a clause which enable teachers to be dismissed on other grounds. It was said in a former Minute that in the event of any difference respecting the "dismissal of any teacher on account of his or her defective or unsound instruction of the children in religion," an appeal should lie to the bishop, whose decision should be final. But the Committee of Education, in the altered Minute, have inserted the words, "or on other moral or religious grounds." Now, it is quite clear that this alteration places the schoolmaster in entire dependence upon the bishop. There can be no doubt as to that, because it depends upon the view which the clergyman takes of what may be "moral grounds," whether he may think proper to continue the schoolmaster in the charge of the school. It is impossible not to see that these words include every possible objection that can be taken against a schoolmaster. It will be impossible for the schoolmaster to satisfy the clergyman who may wish to remove him. There are different parties in the Church whose views are exceedingly different with respect to the moral conduct of the schoolmaster. One clergyman may object that he is too lax, and that he gives too much recreation to his children, while another may think that he is too puritanical and strict. There is no ground of objection that can be taken to a schoolmaster that may not be said to be a moral ground, and therefore the schoolmaster must at once, under this alteration in the Minute, feel himself dependent on the clergyman.

I have before stated in this House that it is in my opinion most reasonable that the *status* of the schoolmaster should be raised, that he should have a competent salary, and that his social rank as an instructor of youth should be recognised and elevated in the view of this House and of the country. Now, the consequence of this altered Minute is to degrade and lower the condition of every schoolmaster; and I was not surprised that some gentlemen called upon me this morning to represent the effect of this Minute. They said there had been a meeting of Masters of Charity Schools, that it was not attended by many, for that not more than thirty teachers in these schools had been collected; but that they had no doubt, if a meeting had been advertised, there would have been a large meeting of schoolmasters of Church of England schools, because they all felt that their situation was changed, and that any opinion on the part of the clergyman to his disadvantage would at once deprive the schoolmaster of his situation, and that he would no longer have the opportunity of earning his bread and maintaining his position. There is, it is true, an appeal to the bishop; but there could be no doubt that the bishop would not, in the majority of cases, go through the particulars of the complaint, but that he would be disposed to take it as he heard it from the clergyman, and that in nineteen cases out of every twenty he would decide the complaint in accordance with the previous judgment of the clergyman. That is the first objection I have to this Minute.

The next objection is, that its effect is evidently to weaken the influence of the lay members of the local committee. It appears to me to be of the utmost importance to have a body of lay members to manage these schools, and that you should induce them to take a part in their management, to watch the conduct of the schoolmaster, and to promote the well-being of the school. I am fully aware how much attention the parochial clergymen have devoted to these schools, and that they have, both by giving their money and their time to an inquiry as to the best mode of education in their respective parishes, very much facilitated the cause of education. Yet I think it will be much better for the clergyman himself that the lay members of the school committee should likewise take a very great interest in the school. But if they can be told by the clergyman that upon "moral grounds" the schoolmaster in whom they have confidence, whose conduct of his school they approve of, is to be dismissed, this cannot fail to diminish their motives to exertion, and seriously to weaken their zeal, and the lay members will, in consequence, be disposed to leave the school altogether in the hands of the clergyman. I think, with regard to the clergyman himself, it is of no small importance that the laity of the Church should co-operate with him in works of this kind.

Sir, the Church of England has its elements of strength, and it has also its elements of danger. I am of opinion that its elements of strength are very much greater than its elements of danger. Its elements of strength are, when it carries with it the co-operation, the confidence, and the affection of the lay members of the Church; and its element of danger is, the being separated from the laity of the Church, seeking other means of gaining power and authority, and not resting its power and influence upon that general concurrence of sentiment on the part of the laity that has hitherto proved its best strength. The effect of the alteration in the Minute is, in my opinion, to diminish the strength and increase the danger of the Church. Its effect is to diminish the natural disposition of the clergy and the laity to act together, and to induce the clergyman, by the mere exercise of his authority and will, to direct the education of the people of this country. I think this alteration in the Minute very objectionable on these grounds. But I do not think it will be very pernicious for some time to come. I have heard it said that in six or seven years, by the force of this Minute, the laity will be excluded entirely from the management of these schools. I doubt whether so great an effect will be produced. But it is a beginning on the part of a Government which has newly come to power—which owns itself not strong as regards the present Parliament, who acknowledged that their position dictated this Session measures which were humble and useful, but who have begun with a measure of education which has neither humility, utility, nor advantage for its characteristic. But if this is the case now, what will the Government do when they have greater confidence and greater power—if the people of this country should give them greater power to proceed further to an alteration of the Minutes of the Privy Council? Why, Sir, the consequence would be nothing less than this, that a series of Minutes will be introduced totally destroying the system of popular education as it now exists, placing it upon another basis, and thereby endangering the whole system of education as it has been approved of by Parliament and by the country. Having been the person who recommended this system to Parliament, and who in office watched the greater part of its operations, I cannot but express my apprehension at this beginning of changes commenced by the Government in the shape of an alteration of the Minutes of the Council of Education.

And, Sir, let me, before I conclude my observations, place before the House what has been the consequence of this step. As I have said, there was no danger to be apprehended, no inconvenience, if the Government had gone on listening to particular applications, but had not during the present year changed the general rules by which these grants were to be applied. But no sooner was it announced, and announced from a most important quarter—announced by the voice of Archdeacon Denison at the National Society—that the Government had given way on this subject, and that the society would have to yield to a greater authority, namely, the authority of the Government, in this particular—no sooner was that stated, and stated by Archbishop Denison, I must say on full and sufficient grounds, than a general alarm took place amongst all who had been the society's supporters. It was stated by some that the Charter of the National Education Society had been altered; that it did not at present give the subscribers powers enough in the election of its functionaries and its Committee; that the Committee was unfairly constituted, and that there must be some alteration in its elements; that an appeal must be made to the Crown not to issue the Queen's Letter, and that, if it were issued, those who distrusted the present operations of the society must refrain from contributing to its funds. I do not desire to say whether these parties were right, I only say that this distrust and dissension and division, if it were not caused, was aggravated by the appearance of this Minute. It is said on the other hand, in the first place, that after all it is but an alternative to the local school committees to choose in what form their own subscriptions shall be given, and under what management they wish their schools to be conducted. If so, there would be great force in such an argument; but that is not precisely the case. Take the case of the promoters of a school who, with the assistance of the public funds, intend to maintain it. By means of this permanent trust-deed, or deed of settlement, they have the power I have described as being given by this Minute, and that permanent trust-deed will affect all subscribers to the school hereafter. It may happen that, in the course of five or ten years, the great body of the subscribers to the school may not wish this management clause to be enforced. But this trust becomes a permanent trust, and the subscribers to the school in all time hereafter have no power to alter it. It is not a case where the local subscribers have year after year the power to alter the arrangements, but the promoters of the school at the present moment will have the power of deciding in what manner the school in all future time shall be carried on.

Another observation has also been made. It has been said that the late Government, with regard to the Roman Catholic schools, made a similar provision. But with regard to that Minute upon the Roman Catholic schools, what was conceded to the founders of these schools was, that the bishop and priests of the Roman Catholic Church should conduct the religious instruction of these schools, and decide for themselves what it should be. That is a difference between the Roman Catholic schools and those of the Established Church. But the principles of the Roman Catholic Church are very different from those of the Established Church of these realms. Into the nature of the constitution of the Roman Catholic Church I will not now enter; but the Established Church consists, not of the clergy alone, but of the clergy and laity. Now, this is the point which I think it most desirable to keep in view, and which I think the people of this country will keep in view. So long as the Church exists they will think that the Church of

England consists of the clergy and laity, and that with regard to all these questions of education the clergy and the laity together should decide.

I have now, Sir, stated my views, but this is not a question as between one party and another in this House. I believe that many hon. Members who sit upon the opposite benches think with me with regard to the principles which I now support. I believe they think with me, that the strength of the Church of England does consist in its having the support of the laity as well as of the clergy, and in securing the general affection of the people. But if that is the case, I say that the Government of this country ought to be most careful in making any alteration in the mode in which these grants have been distributed, or in suffering the impression to go forth that hereafter the schoolmaster in all Church of England schools is to depend upon the will of the minister of the parish and the bishop, without any interference on the part of the laity. I understand that the Earl of Derby has given an assurance that the grants shall not be distributed according to this altered Minute until some fresh grant from Parliament shall be made. That, so far, is a security for the present. I hope that in the interval the matter will be considered by the Government and by the people of this country, and that they will see how important it is not to disturb a system which has been working harmoniously, and which is working great good, and that they will rather maintain those principles than seek to overturn them.

Mr. WALPOLE: Sir, this question is of so much importance that, notwithstanding the close of the Session, and notwithstanding the amount of business that has weighed down hon. Members during the last three weeks, I am glad the noble Lord the Member for the City of London has brought it forward, and given us the opportunity of removing those illusions which have prevailed respecting this Minute. Some of those illusions have even prevailed in the noble Lord's own mind; for I do not think the noble Lord has fully understood the nature and effect of the alterations which have been made. One thing, however, is now clear, and that is, that the noble Lord no longer finds fault with us for not changing this Minute without previously coming to Parliament and stating that it was to be made before the Vote upon Education was taken. Indeed, the last words of the noble Lord acquit the Government of any intention to apply the grant to any other purpose than that for which it was voted by Parliament, for he quoted the statement of my noble Friend at the head of the Government in another place that it was not his intention to apply any portion of the grant under this altered Minute until it was brought under the consideration of Parliament. The noble Lord (Lord John Russell) draws attention to the change that has been made in the management clauses, or rather, I should say—for there is a fallacy in the expression—to a relaxation which in particular circumstances is hereafter to be allowed. Before I follow the noble Lord in considering this change in the management clauses, the House will allow me to go back to a more distant period, because the noble Lord has done so himself, and, by going back to that period, I think it will be clear that we are merely restoring the arrangement which Parliament sanctioned, which was always intended, and which, up to 1846, I think the Church, with the approbation of Parliament, had heretofore enjoyed. For several years, that is from 1836 the grant for education was 20,000*l.*, and it was divided among the British and Foreign Schools, as the representatives of the Dissenters, and the National Schools, as the representatives of the Church of England. But this sum was given without any interference or control, except as to the audit of accounts and the number of schools, until 1839. At that time, however, many material alterations were suggested by the Government of which the noble Lord was a most conspicuous Member; one of which made a great stir and storm in Parliament and in the country, since it was ascertained that the Government intended to put the managers of these schools under the control, not of the voluntary societies, but of a Committee of the Privy Council. The storm was so great, that the intention of the Government was soon afterwards abandoned, and actually given up by the noble Lord himself. In consequence thereof an arrangement was made, or an understanding was come to between the Committee of Privy Council and the Church, and that arrangement or understanding was satisfactory to both. In using the word "Church," I, like the noble Lord, intend to include the laity as well as the clergy. But I must, in passing, express my surprise at hearing the noble Lord's declaration, that the Church of England was composed of clergy and laity, while the Church of Rome consisted of clergy alone.

Lord JOHN RUSSELL: I said I would not enter into the question of the constitution of the Church of Rome.

Mr. WALPOLE: Then, notwithstanding the noble Lord's former observations, I presume we both agree, that as a matter of fact the English and Roman Churches, or any other Christian Churches, consist of laity as well as clergy. Well, then, the intentions of the Government having made this stir and storm in the Church to which I have adverted, an understanding was come to with the Committee of Privy Council and the then existing Government, that the Church of England schools should be subject to no further control than was necessary for the inspection and examination of the schools in relation to the application of the money granted by Parliament. In the Minutes of Council, and in the correspondence which subsequently took place, it was distinctly stated that no control should be exercised over the internal management or internal discipline of the schools. Thus matters continued from 1840 until 1846; that is to say, as long as the Conservative Government remained in power; and no complaint was urged against the manner in which the funds were applied during the whole of that period. During the whole of that period, too, the promoters of schools had the fullest and freest liberty of action to constitute schools in the way they thought proper. When, however, the noble Lord's Government came into power, in 1846, an entire change was effected. And how was this change brought about? Not openly—not by announcing it to Parliament. The change was intimated in private letters, and the persons thus addressed were told that this most important change had been unostentatiously effected. The change was no other than the introduction of the "management clauses," as they are called; and the adoption of these clauses was urged, nominally by way of recommendation or suggestion, but, in point of fact, they were imposed as an obligation on members of the Church; for the promoters of Church of England schools were plainly told that if they did not accept the clauses they should not obtain a shilling of the Parliamentary grant. Now, the members of the Church justly complained of this proceeding. The National Society, in all their correspondence with the Government, urged that they ought to have the selection of one out of the four clauses, or, at all events, that they were entitled to perfect freedom of action in the constitution of their schools. This is what was denied them by the clauses, contrary, I say, to the understanding come to in 1840, and if we have now restored it to them by this Minute, we have done only an act of justice, which will contribute, not, as the noble Lord supposes, to increase the differences prevailing in the Church, but to restore harmony. I have gone through the history of the management clauses for the purpose of enabling the House to understand the nature of the change, or, more correctly speaking, the relaxation now made in them by the present Government. The noble Lord objects to this relaxation on three grounds. First, because he alleges it degrades every schoolmaster; secondly, because it weakens the power of lay members of the Church; and, thirdly, because it separates the clergy from the laity in carrying on the work of education. It was the recollection of these extraordinary allegations which induced me to say that the noble Lord himself was under an illusion as to the effect of the relaxation made by the Government. We have not substituted new management clauses binding the promoters of Church schools. What we have done is simply this: We have said that promoters of Church schools shall have the option of adopting the relaxed rule if they choose to do so. That is the sum and substance, the beginning and the end, of that which has been done. Is there anything unreasonable in this? I am at a loss to conceive on what ground even the noble Lord himself can object to it. The noble Lord, I believe, will never support anything inconsistent with the claim of the subjects of this country to enjoy perfect liberty and freedom of action; and surely in the matter of education, above all others, he will not contend that this liberty or freedom ought to be restrained, unless in the event he finds that the funds granted by Parliament have been applied to purposes detrimental to the public good. What, then, is the principle on which we proceed, the policy we propose, and the advantage we contemplate, in the relaxation we have made? The principle is a plain one. It is simply this—that the promoter of a school shall be at liberty to constitute it as he likes, and, having thus constituted it, shall be entitled to receive a portion of the public money in the same way as other persons, who have precisely the same freedom of action as himself. I agree with the noble

Lord that schools which derive aid from the State ought to be under the supervision of the State to this extent—that the public money should not be applied to any purpose but that for which it was intended. If my own opinion were to be consulted with respect to these schools, I should wish the lay element to constitute a great part of the controlling power; but because that is my opinion I must not be so unjust as to deprive another person, who thinks he can constitute a school in a better way, from coming to Parliament and saying, "If you grant money for the purpose of carrying on the great work of education I am entitled to some portion of it, although my opinion as to the best mode of managing these schools may differ from yours." Should you not take this course, you would take away from many persons the inducement which exists to found schools. It is impossible to make all persons agree as to the manner in which schools should be conducted. Some may attach no great importance to the moral character of the teacher, provided they be satisfied that his doctrine was good; while others may, not unnaturally, desire that a teacher's conduct should be in harmony with his teaching. I maintain, then, that unless you destroy the freedom of action which every member of the Church is entitled to in the formation and endowment of schools, you cannot complain of our Minute of Council. Now as to the policy intended to be carried out by the relaxation of the clauses. It is that which, above all other considerations induces me to believe that the relaxation will be eminently beneficial to the country. I firmly believe, that instead of increasing the differences in the Church, it will materially diminish them. Why do I believe this? Ever since 1846 the National Society has been torn by dissensions, principally owing to the restrictions imposed on its members by the management clauses. At the meeting of the society in 1848 resolutions against the Government for still adhering to those clauses were carried by a large majority. In 1849 the same thing occurred. In 1850, I think there was a division in the early part of the year; but in the latter part of it the Marquess of Lansdowne announced in the House of Lords, in answer to the Earl of Harrowby, that he would not object to a Committee to inquire into the subject in the following Session. It was in consequence of this announcement that in the year 1851 there first began to be a cessation of agitation, because then, for the first time, the members of the Church, who had long been deprived of participation in the Parliamentary grant, thought it likely that justice would at length be done to them. Mark what happened this year—and in this you will find the reason for the Minute of Council having been issued on the 12th of June. The National Society met, and, for the first time for several years, it separated in perfect harmony. [*A cry of* "No!"] Well, it separated in considerable, if not in perfect harmony. Archdeacon Denison, representing one portion of the society, and a rev. Gentleman representing the other, united in cordial congratulations to each other on the manner in which the proceedings of the meeting had terminated. If this be so, it is very desirable indeed, as an act of policy, that you should give all the members of the Church the power of endowing their own schools in their own way, according to their own constitution; and it will be an act of gross injustice if you deny any portion of the public grant to such parties, merely because they take views, on some points, different from yours. The Minute of Council will promote peace, for the management clauses have been the watchword for dissension, their retention in a stringent form being hailed as a triumph by one party, and condemned as an injustice by another. I am of opinion with the noble Lord that the Church of England has her elements of weakness as well as of strength. Her weakness has unfortunately appeared too much of late years when "heavy blows and great discouragement" have been inflicted on her by the Government of the day. But the elements of strength will still remain to her as long as her members agree together to allow each other perfect freedom of action to manage the schools they formed in their own way, without any interference on the part of the Government further than that which is necessary to secure the proper distribution of the Government grants. That object will, I believe, be promoted by the Minute as it has been altered. All parties will now find themselves, for tho first time, placed on a fair footing of equality, and henceforth we may anticipate that there will be no rivalry among them, except with the desire of excelling in promoting the common cause of education. Believing, therefore, that the relaxation announced by the Minute is wise in itself, that it is founded on principles of just policy, and that it will be attended with most beneficial consequences by closing the differences which have heretofore existed, I feel confident that a greater boon could not have been conferred on the Church and on the country to which it belongs.

SIR HARRY VERNEY said, the right hon. Gentleman seemed to think that the managers of schools only were to be consulted; but they, on that side, considered that it was not only the interests of the managers and founders, but those of the children and of the laity in general, which ought to be chiefly looked to, in order to see whether the schools would deserve the support of the country at large. By the present alteration the jurisdiction of the bishop would be greatly extended, for he was constituted sole judge on questions of great difficulty and of the utmost concern to those whose children were to be educated at the schools. The words "moral misconduct" appeared capable of very wide interpretation, so that any difference with regard to the management of the school, noncompliance with the rites of the Church, or holding particular opinions, though they might not interfere with the instruction given to the children, might be made the pretext of interfering with the management. If the clergyman of a parish, differing with the lay committee, appealed to the bishop, he had the power of immediately suspending the schoolmaster. He thought the alteration in the Minute altogether uncalled for, and considered that the faith of Parliament had been pledged to the maintenance of the clauses as they stood before the alteration. He hoped that the Church of England would continue to live in the affections of the people; but it would not do so by giving greater power to its clergy, but rather by enabling them and the laity to work harmoniously together.

MR. GLADSTONE: Sir, I entirely agree with what has been said by previous speakers as to the immense importance of the subject of education and everything that belongs to it; and if it were not for the immense importance of that subject, I must confess I should be rather surprised at what I cannot but call the somewhat exaggerated terms in which the magnitude and importance of the question immediately before us have been spoken of. I was certainly surprised, after all I had heard of satisfaction on the one hand, and of alarm on the other, to find that the case is not unlike that with which we are all familiar, of the mountain and the mouse, when we come to compare the considerable fears of one side and the sanguine hopes of another, with the very small results as brought before us in the marginal notes of the paper now in our hands. There is, perhaps, a fault in the construction which I have put upon it, but I feel a difficulty with regard to some parts of the speech of the right hon. Gentleman the Secretary for the Home Department. It appears to me that it is not possible to maintain the doctrine that unlimited freedom is to be given to the founders of schools as to what is to be taught in those schools. I presume it was not the intention of my right hon. Friend to assert that; but, at any rate, I dissent most distinctly and emphatically from the proposition. But what we have now to ask ourselves is not, whether the assertions made on the one hand are right, or whether we are to anticipate that in future a series of important changes are to be either rashly or surreptitiously introduced into these management clauses, but whether the changes that have already been introduced are in themselves just and reasonable? Now, considering, as I do, their magnitude to be very secondary, I cannot deny that they appear to me to be far from unreasonable. The changes are two. In the first place, the supervision of the clergyman is to be extended to moral as well as religious grounds; and, in the second, the clergyman is to be endowed with a provisional power of suspension, pending the reference to the bishop in those cases in which reference to the bishop is made. Now the first of these changes includes "moral" as well as religious grounds. On this point the noble Lord the Member for the City of London said anything might be called a moral ground, and he adverted to the religious divisions of the Church as a reason to show that it was dangerous to give clergymen a power over the schoolmaster on moral grounds. Now, if the noble Lord had been against granting the clergyman power on religious grounds, I could very well understand why he said that what one clergyman takes to be religion another takes to be superstition, and that you might have persons dismissed on the ground of being superstitious; but I was not aware that the divisions of the Church extended to moral grounds; and then I think the noble Lord will recollect this when he says that anything may be called a moral ground, that the Minute does not give to clergymen the power to determine what is a moral and what is a religious ground. In the beginning of these controversies this question was raised: "You are going to give the power to dismiss on religious grounds, but who is to decide what is religious and what is not?" That question was answered in this way—that it must rest with the Committee of the Privy Council to lay down the limits within which the term was to apply. That applies to moral questions also, and therefore there is no ground to say that the decision of what is moral and what is not will be with the clergyman; for if grounds are held to be moral that are not moral, the remedy will lie with the Committee of the Privy Council. The discretion hitherto exercised as to the teaching of the schoolmaster, and to his teaching only, you have now extended to the moral conduct of the schoolmaster, and I do not think that an unreasonable extension. And I must say I am a good deal alarmed and apprehensive lest cases may occur where the schoolmaster may be perfectly orthodox and correct on the dry abstract matter of his teaching, and yet his life be in scandalous contradiction to that teaching. That is a possible case, and surely it is one over which the clergymen ought to have control. I entirely concur with the noble Lord in his observation, that nothing is so important as to introduce a great deal of lay agency, both as regards schools and ecclesiastical concerns; but in schools it is particularly necessary. This agency it is not difficult to find in large and populous parishes; but you must remember that you have not only to provide for the case of large parishes, where you may have intelligent men, who are thoroughly versed in all these matters, and well able to control the master, but you have to provide for the case of thousands of small and remote country parishes, where there are perhaps, in addition to the clergyman, not more than three or four men above the class of labourers. You cannot compel them to institute a committee in these cases, though I think it is exceedingly desirable, wherever you can, that a committee should be formed. But under the regulations, as they now stand, you will be able to have a committee constituted where, but for those regulations, you could not have had one, and where the practice is likely to work safely. I really must say, that where numbers are limited and information small, it would not always be safe to leave these matters in the hands of a committee. The standard of morality is very various in those clauses, and therefore it would not be safe to make the dismissal of a schoolmaster on grounds of morality depend on the majority of a committee in such places. As to the temporary power of suspension, I am ready to admit that that is a power that may be abused by a clergyman, and I feel the force of what has been said as to the importance of elevating the character of the schoolmaster by giving security to his position. But when you speak of security to the position and elevation of the character of a schoolmaster, you must do a great deal more than you can possibly effect by the Minutes of the Privy Council. It appears to me that these Minutes can be regarded as only experimental and provisional. I differ from the hon. Gentleman who last spoke in the idea that the honour of Parliament is pledged to these Minutes. To which of them? Why, there has not been a year in which there has not been some alteration of these Minutes. A very wise and judicious alteration was made by the noble Lord's (Lord J. Russell's) own Government when they introduced Clause D, by way of provision for committees of communicants. I think we are by these Minutes feeling our way gradually to the details of our system; and when what is developed and matured, and tested by experience, shall come before Parliament in all their details and particulars, that will be the time when we may hope to give security to the position and elevation to the character of the schoolmaster. If you wish to have a high class of schoolmasters, these men should not be subject to be dismissed at the dictum of any individual. Therefore, I do not think it is enough to say that the situation of the schoolmaster is not sufficiently secure under these Minutes. I agree with the noble Lord (Lord J. Russell) that they ought to have security, but they cannot have that so long as they are dependent upon the Minutes of the Privy Council, which are alterable from time to time—which are subject to the discretion of other parties—and which cannot lay down everything that is applicable to all schools. Therefore it is not enough to say that by the operation of these Minutes the position of the schoolmaster is not secure. I grant it; but while we are in this experimental state we must look to the subject as a whole—we cannot provide for every possible case that may arise, but we must look to the question whether on the whole the system is productive of satisfactory results. What is the case with regard to the clergy? There may be differences of opinion—some may think that they are too strict and narrow in their views; but there can be no doubt of this, that the clergy are thoroughly in earnest in the work of religious education. The case has been put of a school being deprived of its schoolmaster. I grant that that may be an objection in the abstract; but I can easily conceive cases where it would be better that the school should be brought to a standstill than that it should be carried on under the teaching of a man of scandalous conduct. But the proper answer to the objection is this, that there is no set of men so anxious to keep the schools open as the clergymen. Therefore, though this may be a good objection on paper, it would be very feeble in practice, because the clergyman is the man in the parish who has the strongest desire to keep the school open. Therefore, I say, I do not see ground for impeaching these Minutes. It might have been unwise on the part of the Government to express dissatisfaction with the existing system—it might have been unwise in them if they had introduced fundamental changes. But I see nothing in these Minutes that can form a ground for fuundamental changes. I see nothing that indicates the *animus* for fundamental changes. I can only repeat that I fully subscribe to the doctrine, that it is the duty of the State to take care that the funds which it provides for the promotion of education are properly and efficiently expended; and I demur to the doctrine that the founders of these schools have a right to arrange their management as they please, and free from Government control. But, looking at these Minutes, I confess I do not find in them cause for censure. Whatever differences there may be in matters of detail, I hope that the Government, approving of the principle, will carry it out in a steady, reasonable, and moderate manner, and that all questions of detail will be considered in a kind, liberal, and friendly spirit; and I may add my hope, that whatever Ministry may be in possession of power, they will not increase the difficulties with which this question is surrounded, by attaching an exaggerated importance either to these changes or to any others which may from time to time be effected.

MR. HUME said, he did not object to the introduction of the words "moral and religious" into the Minute, though he would admit that they were somewhat vague; and he wished for more information on the subject of the change thus introduced. But what he did object to was the latter part of the Minute, which related to the suspending power. He found that there was a great disposition in clergymen to acquire more power than the lay members of the Church were inclined to give them; but the effect of this power was actually to hand over the schools to the clergyman, to do what he pleased with them. The clergyman was to be sole judge, and of his own authority could exclude books from the schools, or suspend teachers. What would be the situation of a school if a clergyman objected to the books or to the master? The committee would have no power, and the clergyman might suspend the master, and put an end to the school; and there was no limitation as to the time in which reference should be made to the bishops. What he was afraid of was, that this would tend to alienate the support of the laity. He knew clergymen were very apt to entertain opinions in opposition to those of the laity, and this was a means of giving them a power to maintain what might be erroneous opinions. The present system was going on well. He would admit with the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) that the clergy had of late shown a desire to promote education, and that there had been a great improvement in them in that respect in the last twenty-five years. Nevertheless, there should be some check and control over them, and he regretted that there was to be any interference in the system as it now stood. He was sure that it was laying the seeds of discord by giving to any individual, and that a clergyman, the power of construing as he liked the words "moral and religious," and of deciding what books were to be used, and also giving him the power of suspending a master till a reference was made to the bishop, without stating when such a reference was to be made. He wished that the Government, who were, no doubt, desirous of promoting education, had allowed matters to go on without raising this difficulty, which had created an alarm which, although he admitted it to be greater than was necessary, was yet sowing the seed which would grow up into serious differences.

MR. MILES begged to say he was—as he was sure they all were—in favour of extending as far as possible the blessings of education; but it appeared to him that all they had at the present moment to deal with was the question of some alterations which had been made with reference to future schools, in the terms of the management clauses. The hon. Member for Montrose (Mr. Hume) said that he should have been better satisfied if the representations on which these alterations were made had been laid before the House; but all that was required of that kind was published in the annual Report of the Committee of Council. When the noble Lord (Lord J. Russell) said, however, that all had been going on well and harmoniously, he must be permitted to state that, instead of cordiality having existed between the National Society and the Committee of Privy Council, the contrary had been the case, and great differences had existed between them since the year 1847. Much had been said about the introduction of the words, "moral and religious" grounds, and something, also, as to what could be defined as "morality" in a schoolmaster. The Bishop of Oxford, however, had some time ago made a speech, in which he had referred to a case, the circumstances of which, he thought, sufficiently showed in which respect this clause as to "moral" grounds might come into operation. The right rev. Prelate, in referring, among other points, to the appointment of schoolmasters under the present system, mentioned a case which had occurred in his own diocese, and in which a master, after having been charged with misconduct, and proved to have appeared in school in a state of intoxication, and to have made use of blasphemous language, had been continued in the school, because when the case was submitted to the committee of the school, who were farmers in the parish, it was found he had nine children, and that if he was removed the expense of their maintenance would fall upon the rates, and they would have to support them. He supposed the hon. Baronet (Sir H. Verney) would admit that that schoolmaster ought to be removed from his situation. The fact was, however, that he could not be removed so long as those farmers dissented; but now the Minute, as amended, would give power for his removal. With reference to the operation of this Minute, it should be recollected that it would not apply to schools that were already formed, but only to future schools. For his own part, he had to thank the Committee of Privy Council for allowing these alterations to be made, because he thought they would have the effect of completely disposing of those jealousies which had shown themselves in the National Society—a body which might, he considered, be taken to represent the Church of England, and in which the management clauses had, as he had shown, been much opposed. The alterations would, in his opinion—and he was only sorry they were not to come sooner into operation—lead to the establishment of a great number of admirable schools, and assist the clergy in forming them, whilst he felt certain they would tend to allay the discord that had prevailed for some time on this subject.

Sir HARRY VERNEY said, it certainly was not his wish to see such a schoolmaster as the hon. Gentleman had referred to kept in his situation, but his object was to have the present tribunal retained.

Mr. J. A. SMITH said, he must expressed his unfeigned satisfaction at the temperate time which had marked the present discussion; if the noble Lord (Lord J. Russell) needed a justification for bringing this subject before the House, it was afforded by the speeches of the right hon. Home Secretary and the right hon. Gentleman (Mr. Gladstone), both of whom had acknowledged the importance of the introduction of the few words in question into the Minute of Committee of the Privy Council. The right hon. Gentleman (Mr. Gladstone), with a frankness which did him credit, admitted that the introduction of those words extended the power of the clergyman from religious to moral matters, and that change he (Mr. Smith) agreed with the noble Lord in thinking not only injudicious in the present state of the Church, but one that might be apprehended to produce those effects in reference to the lay members of school committees which the noble Lord had described. The right hon. Home Secretary declared that he expected these changes would produce harmony between the two dissenting or differing bodies in the Church of England; but he (Mr. Smith) was a dissentient in reference to those changes, because he believed that very different results would be produced by them; because he believed they would introduce heartburnings and feelings far from consistent with that harmony which the right hon. Secretary of State anticipated from them. He was surprised, however, that the right hon. Gentleman should have omitted to notice the cause which had induced the Government, so late in the Session and under such peculiar circumstances, to make these alterations, without application for them from any body of clerymen, and in opposition to a memorial numerously signed by laymen and clergymen, for the maintenance of the management clauses in their integrity. The right hon. Secretary of State had also omitted to inform the House that at the annual meeting of the National Society last year a very large majority deliberately expressed an opinion in favour of the maintenance of the management clauses. He (Mr. Smith) had heard with the greatest pain and apprehension the noble Lord at the head of the Government announce elsewhere that he intended to place the education of the people of this country in the hands of the ministers of the Established Church. He was himself a member of that Church from conviction and affection, but he believed no step more injurious to the Church itself could be taken; and, feeling that these changes in the Minute constituted the first step in the direction of that policy, he took the earliest opportunity of protesting against them, because he believed the consequence would be to weaken the real power of the clergy, and widely to extend the seeds of dissension, jealousy, and ill-will. He had already stated that a very strong feeling had been expressed in favour of the maintainance of the management clauses, for though there had been dissension between the Committee of the Privy Council and the Committee of the National Society on the subject, the National Society itself, by a large majority, had declared their approbation of the management clauses. The great body of the members of the National Society had expressed their approbation of the Minutes as they stood in a Memorial which, for the character and number of its signatures, had never been exceeded. That Memorial was signed by 609 laymen, and 1,892 clergymen, among whom were 4 deans, 11 archdeacons, 32 prebendaries, 29 rural deans, and 1,392 beneficed clergymen. Among those signatures also there were 183 clergymen who had schools built in their parishes, in conformity with the management clauses, since January, 1847, and 296 incumbents who had schools with pupil teachers, and receiving Government aid in their parishes. On these grounds he thought there was no reason for saying that the clauses as they stood were unacceptable to the National Society, and he greatly feared that the alterations which had been introduced would tend rather to excite them to allay discord. He deeply regretted—for he assumed the circumstance stated by a venerable archdeacon must be accurate—that these changes in the Minute had been submitted to him and had received his approval, before they were submitted to that House or made known to the other members of the National Society.

MR. POULETT SCROPE said, he objected to the Minute as vague, uncertain, and unintelligible with regard to the powers it gave to the clergy. The right hon. Gentleman (Mr. Gladstone) had said that he could understood how uncertainty might have attached to the meaning of the word "religious;" he (Mr. Scrope) thought that term less dubious and more easily defined than "moral." But it was not merely this uncertainty and want of definiteness that he found fault with; a still stronger objection was, the offensive character of the alteration, which went altogether upon the assumption that the laity were not competent to determine upon the moral character of the schoolmaster—whether he was fit to continue in his office or not. For what possible purpose, he asked, could this alteration be made now, on the eve of an election (if, as appeared, it was not to come into operation for twelve months at least), save only to influence the coming elections, and as a sort of trap for those whose votes were likely to be caught by the bait thus offered? He could not understand what other object there could be, and, therefore, must believe their motive to be this.

MR. SLANEY thought his hon. Friend the Member for East Somersetshire (Mr. Miles) had let fall something rather contrary to his general profession when he talked of "ignorant farmers" as refusing to get rid of an unworthy schoolmaster. He did not know whether the place his hon. Friend spoke of, and where "ignorant farmers" abounded, was Somersetshire or not.

MR. MILES had not spoken of Somersetshire. He had quoted the Bishop of Oxford.

MR. SLANEY would call the attention of the House, however, to the fact that this alteration applied to the intelligent committees in large towns, where it would be admitted a hardship, even though it were not so, in such small places as had been alluded to. The subject generally he considered one of the deepest interest. The question of education—always one of the very first consequence—would very soon come before Parliament in the shape of a proposition that assistance for this purpose should be given by means of rates; and he trusted that one of the first measures to come before the House, whatever Government might after the dissolution be in power, would be some system for the education of the people. And as hitherto, generally, acts compulsory on the whole country had not succeeded, he asked that an endeavour should be made by an enabling Act to empower the several parishes to rate themselves in aid of education. This would operate well; practically, it was even now the case in Upper Canada.

Mr. J. EVANS said, the address presented to the Archbishop of Canterbury represented that the priestly power in the Church ought not to be increased, and that if it were, there would be a great secession from the National Society. He considered the alterations in the Minute extremely important and objectionable.

Subject dropped.

GRAND JURIES (METROPOLITAN DISTRICT) BILL.

Sir JAMES GRAHAM said, he noticed on the business paper a Bill entitled Grand Juries (Metropolitan District) Bill. That Bill had not yet been considered in the House of Lords, and it was a measure of great importance as affecting the administration of criminal justice. He had great doubts with respect to the Bill, and should it come on, he should feel bound to occupy some time in discussing it, but considering the present state of the Session and of the business before the House, perhaps the hon. and learned Attorney General would not press the Bill.

The ATTORNEY GENERAL said, he quite agreed with the right hon. Gentleman as to the importance of the Bill in question, and regretted to hear that it might meet with his opposition. In his (the Attorney General's) opinion it would effect a most important improvement in the administration of the law; but at that period of the Session it could hardly pass if any lengthened discussion were to take place upon it, seeing that the Bill had not yet been discussed in the other House. He therefore reluctantly consented to withdraw the measure, intending to take an early opportunity next Session to reintroduce it.

Bill *withdrawn.*

Mr. Slaney

THE SUGAR PRODUCING COLONIES.

Mr. J. WILSON said, that he was not in the House earlier in the evening, when the right hon. Chancellor of the Exchequer had appealed to hon. Members who had Motions on the paper for to-morrow night, to withdraw them, with a view to advance the business of the House. He should be most unwilling to stand in the way of any proposition to advance the business of the House; but, considering the important subject to which his Motion referred, namely, "to call the attention of the House to the position of the British Sugar Colonies, and the Sugar Trade of the United Kingdom," and the vagueness and uncertainty of the intentions of the Government in respect to the commerce and condition of those colonies, he put it to the right hon. Gentleman whether it would not be better that so grave a question should be discussed before Parliament separated? If, therefore, he consented to give way to-morrow, would the right hon. Gentleman consent to grant him an early day for his Motion?

The CHANCELLOR of the EXCHEQUER said, he had had representations made to him from hon. Members on both sides, and certainly from as many on the Opposition as on the Ministerial side of the House, that efforts should be made to terminate the business of the House as soon as possible. It was, therefore, for the convenience of the House generally that, under these circumstances, he had made an appeal to hon. Members who had Motions on the paper for to-morrow. There was every prospect of concluding the business of the House by the end of this week, if they proceeded in the manner which he had chalked out. It was, therefore, quite impossible to hold out any hopes to the hon. Gentleman that a day could be fixed for his Motion; but he still trusted that the hon. Member would follow the example of others and withdraw his notice.

PATENT LAW AMENDMENT BILL.

Order for Committee read; House in Committee.

Clause 26.

Mr. ROUNDELL PALMER said, this clause was intended to meet a recent case with respect to the patent screw steam-vessels, in which a Court of Law had decided foreigners should have no advantage over British subjects. The clause proposed to alter the law laid down by that decision, and would place our shipowners at a disadvantage. He now gave notice that he would on the third reading propose a proviso to confine the exemption to foreign shipping in cases in which the subject of the patent had been first patented abroad.

MR. HENLEY said, he must admit the importance and great difficulty of the matter to which the hon. and learned Gentleman referred. An international law would be the best way to prevent inconveniences; but in defect of that, if the hon. and learned Member would suggest any mode of protecting our own patentees, without injury to trade and commerce, he would be very glad to adopt it.

MR. J. L. RICARDO said, he believed the whole Bill was full of difficulty, and was much surprised that the right hon. Gentleman the President of the Board of Trade should have introduced a measure which he had opposed only last Session. The subject of the Bill had not been properly considered. It had been before a Select Committee of the Lords, but it had not been before any Committee of that House.

MR. HENLEY said, he must deny that he had ever said a word against the principle of patents. He had opposed portions of the Bill of last Session, but they were not in the Bill now before the House, and he could assure the hon. Member every clause before them had been fully and carefully considered.

Clause *agreed to;* as were the remaining clauses.

On the Schedule of Fees to Clause 45,

MR. S. CARTER said, he considered the fees far too high; and when it was remembered that a great portion of inventors were men in humble circumstances, it was clear that a schedule of fees amounting to 149*l.* 11*s.* and stamps to the amount of 35*l.*, was most exorbitant. Within the last few years stamps on mortgages and deeds of various other descriptions had been greatly reduced, and it was only reasonable hatt inventors should participate in the improved spirit of legislation. The effect of his amendments would be to give a patent at the expense of 10*l.* It might be said that the reduction of the Stamp Duties would cause a loss to the revenue, but he did not think the imposition of Stamp Duties in such cases a sound principle of taxation. He proposed to reduce the petition for grant of letters patent from 5*l.* to 5*s.*; the notice of intention to proceed, the sealing, and the filing of the specification, from 5*l.* to 5*s.* respectively; the fee to be paid at or before the expiration of the third year, from 40*l.* to 5*l.*; at or before the expiration of the seventh year, from 80*l.* to 10*l.*; and the various other fees in similar proportions. The Stamp Duty on the warrant of the law officer he proposed to reduce from 5*l.* to 5*s.*; the certificate on payment of the fee at or before the expiration of the third year, from 10*l.* to 5*s.*; and the certificate on payment of the fee at or before the expiration of the seventh year, from 20*l.* to 5*s.* The hon. Member concluded by proposing the reduction of the first item.

MR. HENLEY said, that if the House reduced the expense of a patent to so low a scale, they would have all sorts of worthless things patented. As it was, the country was giving up 25,000*l.* in stamp duties which they would not receive.

MR. MUNTZ believed the Bill would confer a great advantage on patentees.

Amendment *negatived.* The House resumed.

Bill *reported.*

CRIME AND OUTRAGE (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 1 (recited Acts continued):—Motion made, and Question proposed, "That the blank be filled with the word 'thirty-first day of August one thousand eight hundred and fifty-three.'"

MR. VINCENT SCULLY said, he wished to move, as an Amendment, to omit the words "And from thence until the end of the then next Session of Parliament," the effect of which omission would be to limit the operation of the measure to the 31st December next. The principle of the Bill had been already affirmed by the House on the first and second readings; and he had on the latter occasion endeavoured to demonstrate its utter inefficiency for the repression of crime, and that its practical operation would be to tax innocent persons and deprive them of the necessary means for protecting themselves and their properties. However, the House had yielded to the pressing representations of the responsible advisers of the Crown, that it was necessary for the protection of life and property in Ireland to continue for the present the extraordinary powers conferred by the Act of December, 1847, which, beyond all doubt, was a most unconstitutional and coercive measure, especially as it embodied the Whiteboy Acts, in a very oppressive form. But the present was the first occasion on which the House was to take into its consideration the length of time during which these powers should be continued; and, therefore, he wished to take this, the very earliest, opportunity of urging upon Government the propriety of altering their measure so as to limit its duration until the 31st December next. In the first place, then, the House had heard the Chancellor of the Exchequer state, some weeks ago, that Parliament would reassemble for business in October next. The Parliament which had first passed the Act of 11 & 12 *Vict.*, c. 2, was opened on the 23rd of November, 1847, on which day the measure was recommended by a very remarkable Speech from the Throne, and the Act received the Royal assent, and became law on the 20th of December in that year. Now, if they were to assemble again in October, it followed that there would be ample time before the thirty-first of December, for considering whether the Act should be further continued or not. He conceived that Government must at once see the reasonableness of his proposal, and he trusted the House would remember that over and over again the Irish Members had protested against bringing on measures of this kind at a late period of the Session—when many of them were necessarily absent, and when the House was always impatient of entertaining any discussion, especially of Irish matters. It was upon that very ground that the right hon. Gentleman opposite (the Chancellor of the Exchequer) had objected to the second reading of the Coercion Act of Sir Robert Peel on the 15th of June, 1846, and although that Session of Parliament continued in existence for upwards of six weeks subsequent to that day; whereas it was notorious that the present Session would determine within the next week or ten days. He thought that it did not legitimately come within the province of a provisional Administration, which the existing Government avowed they were, to propose that a measure of this kind should have so lengthened a duration as until the end of the Session of 1854. Should they be continued in office they would have the opportunity of reintroducing it; otherwise their successors could take up the matter. This view appeared to him the more forcible, because, though the Government were pledged to pass some remedial measures which they had asserted were actually prepared; they had, nevertheless, declined to introduce their Bills, or even to place them on the table of the House, for the information of its Members. A bad and vicious land system was now acknowledged on all hands to lie at the root of all agrarian outrage in Ireland. It would be a mere waste of the time of the House to argue this plain proposition, the truth of which the present Government professed to admit. They had, however, deferred to introduce their measures, though repeatedly urged to do so, during the last three months. He (Mr. Scully) had frequently pressed the question as to the real nature of those measures, and whether they would be produced before the end of the Session; but up to the present moment the Government had not vouchsafed to give him any reply, having, no doubt, their own motives for keeping the people of Ireland entirely in the dark at the coming elections—

> "Masking their business from the common eye
> For sundry weighty reasons."

Why had no sort of response been hitherto condescended to his very reasonable and proper request? He could only conclude that those measures, whenever they might be produced, would appear to be of a mere delusive and unsatisfactory character, and he was anxious to have some substantial guarantee that the consideration of them should come on before the 31st of December next, when the continuance of this coercive measure might be conjointly determined on. That could only be insured by now limiting this Bill until the 31st December next. It might be objected, indeed, that if this limitation were conceded, some persons would be prematurely discharged from prison on the 31st of December next; but such an objection would equally apply to any Act of Parliament of limited duration, and it could, in this instance, be easily provided against by a short clause similar to one of the Amendments of which he had given notice. According to the Bill as it then stood, the Act would continue in force until the end of the Session of 1854. ["No, no!" *from the Government benches.*] He had distinctly asserted the other evening, and would still maintain, that this was the only interpretation it could receive, assuming that Parliament would reassemble before the 31st of December next. The words were—"Until the 31st of December next, and from thence until the end of the then next Session of Parliament." Now, according to what the Chancellor of the Exchequer had said, they were to assemble again in October, and they would afterwards merely adjourn over Christmas, according to usual custom, to meet again in February. It was, therefore, perfectly clear that the end of the then next Session, after the Session which would be pending on the 31st of December next, would bring them down to the end of the Session of 1854. ["Hear, hear!"] It appeared that this assertion on his part took the Government rather by surprise, although he had made it on a former occasion, when, as he was aware, both the Chancellor of the Exchequer and his Solicitor General for Ireland had both treated the Bill as limited to the end of the Session of 1853. He would recommend the right hon. and hon. Gentlemen to reconsider the wording of their own Bill. Making that appeal to the Government, and to the House, he felt assured that they would not misinterpret his motives, for he was actuated solely by a desire that all their legislation for Ireland, more especially when it was of a coercive character, should meet with full consideration and mature discussion, in the presence of the representatives of Ireland.

Amendment proposed, "That the blank be filled with the words 'thirty-first day of December, one thousand eight hundred and fifty-two.'"

MR. COGAN said, he repudiated any sympathy with the criminals who, he confessed, had disgraced many parts of Ireland. He acknowledged that there did exist in certain portions of the country an amount of crime which it was the duty of the Government to put down. He, for one, would willingly assist any Government in effecting this object; but he certainly did not believe that the policy of coercion would be of any use—it had always failed in Ireland, and always would. It was the duty of the Government to go to the root of the evil, to extirpate the causes of the agrarian outrages, and to propose some remedial measures which would do away for the future with the necessity of any such Bill as this. The Government had entirely failed to make any necessity for this Bill, or to show that its effect would be to repress crime in Ireland. It had always been stated, in the discussions on this Bill, that much depended on the temper and spirit in which laws such as this were administered. For his own part, however, he had not that confidence in Her Majesty's Government—indeed, he believed nobody but a few simple-minded farmers had—that should induce him to entrust them with powers of so unconstitutional a nature. While he disclaimed all desire to offer the Government a factious opposition in respect of this or any other Bill, he confessed he was also, in abstaining from such opposition, actuated by a desire not to delay the dissolution of the present Parliament, as he considered that every day the present Ministers remained in office was an evil, and that a new Parliament would soon send them to the other side of the House.

LORD NAAS said, he would not follow the hon. Gentleman who had just sat down into matters which were more fit to be addressed to the House on the second reading of the Bill than on the present occasion; but the hon. Gentleman had argued that this Bill would prove inoperative—a statement than which nothing more unfounded was ever urged in that House. For he found, from a return which he held in his hand, that, within the last three years, since the Act of 1847 first came into operation, there had been a most extraordinary cessation of crime in those counties of Ireland where the measure was first put in force. The criminal returns gave the most conclusive evidence of the beneficial working of the measure in those districts. In the county of Cavan, which was proclaimed under the Act of 1847, in the first three months of that year there were 43 outrages, in the last three months of the same year there were only 20—less than one-half. In Roscommon, in the first three months there were 493 outrages, in the last three months only 23; in Tipperary, in the first three months there were 234 outrages, and in the last three months only 84; in Limerick, in the first three months there were no less than 262 outrages, and in the last three months only 39. In Clare, and other counties, similar results had been produced by the operation of the Act; and the consequence was, that the counties where the Act was early brought into operation were now all quiet, or nearly so. At the same time, there was nothing in the Act which in the slightest degree inconvenienced any man who was willing to obey the laws and to perform the duties of a good citizen. He maintained, therefore, that when the Act had worked so well hitherto against the criminal population, and was in itself so innocuous to the well-disposed, the House would do well to proceed to renew the measure. He was certain that the honest, peaceable, and loyal people of Ireland would rejoice in the success of this Bill, and feel grateful to the Government for having brought it forward.

Mr. F. SCULLY said, the noble Lord had not deigned to give them any answer as to why the Act should not be renewed for the term comprised in the Amendment of the hon. Member for Cork (Mr. V. Scully), so he concluded that such neglect to notice that Amendment was to be taken as evidence of the intention of the Government not to agree to it. If, however, they renewed this Act for the period proposed in the Bill, they would thereby be prevented from taking the whole case of the condition of Ireland into consideration, as it was his earnest wish they should, when the new Parliament assembled—a course which ought to be adopted at the earliest possible period. Why, he would ask, had not the Landlord and Tenant Bill, and those other remedial measures which the Government professed their anxiety to extend to Ireland, been introduced? He must complain of the remissness of the Government in this respect; and if they did not assent to the Amendment before the Committee, the Irish Members would avail themselves of every means of which the forms of the House would allow to prevent the Bill passing.

Mr. M. J. O'CONNELL said, he had supported the former Bill, because at that time Ireland was in such a state of disturbance as to require a measure of this nature; but the present Bill was quite unfitted for the lawless body now committing outrages in the north of Ireland. Local palliatives would not do, but the root of the evils which afflicted Ireland must be removed by constitutional treatment. Let the Government continue the Bill till the 31st of December, and no longer, and let them also bind themselves under the heaviest Parliamentary recognisances to bring the question of Landlord and Tenant before the Legislature before the end of the present year. It was invidious to introduce such a Bill at all in a dying Parliament, on account of the imputation of hustings influence, to which they were open on both sides; and he asked the Government to consent to the compromise he had suggested.

Mr. NAPIER said, that the introduction of the Amendment would lead to confusion in the administration of the law. Any offence committed up to the 31st of December must go unpunished, because there would be no Session till the ensuing March, and then no person could be prosecuted if the Act expired before that time. There were many persons in gaol at present under the Act, and he feared there would, probably be many more before Christmas, and it would be necessary to provide that they should be brought to justice or acquitted. He must complain he had been hardly dealt with by some hon. Members, who accused him of not bringing in the Bills he had promised. They must remember it would be impossible to produce new Bills towards the close of the Session with any chance of success. He had prepared a Landlord and Tenant Bill, which now lay in the Irish Office, but it would be impossible to bring it in at present. However, the Government were pledged to introduce Bills on the subject, and they would do so as soon as they had an opportunity.

Sir DENHAM NORREYS said, he thought that the Government, by consenting to the Amendment, would be making a grateful concession to the opinions of those Members who, like himself, had formerly supported the Bill, but who now had doubts as to the advisability of its continuance beyond the end of the year. Would not the object of the Government be gained by allowing the Act to terminate on the 31st of December in the present year?

Mr. S. CARTER believed there was considerable truth in the statement that had been often made, that but little sympathy was entertained by English Members for Irish questions discussed in that House. Considering the position of this question, he felt bound to give his support to the Amendment of the hon. Gentleman the Member for Cork. Those Coercion Bills were, Session after Session, extended to Ireland by Whig and Tory Governments. He was glad to hear the right hon. and learned Attorney General for Ireland say he had some remedial measures in his budget, which would shortly be produced. He hoped that a course of conciliation and of remedial policy would be pursued towards that conntry, for, in his opinion, it was those Coercion Bills brought forward year after year, which had in a great measure occasioned that Celtic exodus of which so much had been spoken, and which was fast depopulating the country.

The CHANCELLOR of the EXCHEQUER said, his intention had been that the Bill should be drawn so as to extend the Act to the 31st of December, and to the end of the next Session of Parliament; but he had not contemplated that it should go beyond the end of the year 1853. He would propose an Amendment to alter the effect which the Bill would, in its present state, certainly have of extending the Act to the end of 1854. He moved that they should leave out the words "the end of the next Session of Parliament," and insert the words "31st day of August, 1853." That was a compromise which he hoped would meet the wishes of all.

The O'GORMAN MAHON said, the real point of difference was really so small that he did not think it would be becoming the gravity or dignity of the Committee to divide upon it.

MR. COGAN said, that the objection of the right hon. and learned Attorney General for Ireland, that persons would remain in gaol without trial if the Act expired, would always apply, and that Coersion Bills would be perpetual if that ground was taken. He would suggest that the Act should be continued till all persons committed under it had been tried, but that no fresh arrests should be permitted.

The CHANCELLOR OF THE EXCHEQUER said, he thought hon. Gentlemen opposite rather unreasonable. The compromise he had offered was fair and temperate.

MR. F. SCULLY said, he did not consider it a compromise. He would not agree to it.

MR. VINCENT SCULLY said, the Chancellor of the Exchequer was not in a position to offer any compromise. Had the Bill not been very closely examined, it would have been made to extend—he would not say by a "dodge"—to the end of the Session of 1854. He desired the Bill to be limited to that time, and that time only, when it should be brought forward again for full discussion before all the Irish Members. In the course of the next Session, which they were told would be held during the present year, they would have an opportunity of further renewing the Act were it found necessary so to do.

MR. M. J. O'CONNELL expressed his readiness to agree to the extension of the Bill to the 31st of August next year. If they did not accept that, they would be most certainly beaten on a division.

MR. F. SCULLY said, he should move that the Chairman do report progress, and ask leave to sit again.

The CHANCELLOR OF THE EXCHEQUER hoped the hon. Member would not persist in this Motion. It was quite impossible for the Government to alter their determination as to the continuance of the Act to the 31st of August.

MR. VINCENT SCULLY would not be a party to inflict the Bill on Ireland to the end of August, 1853. If the Government were *bonâ fide* in their promises of legislative measures of a remedial character, they would not continue the operation of the Bill beyond the end of the present year.

Motion, by leave, *withdrawn.*

Question put, "That the blank be filled with the words 'thirty-first day of August one thousand eight hundred and fifty-three.'"

The Committee *divided:*—Ayes 104; Noes 11: Majority 93.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Archdall, Capt. M.
Baillie, H. J.
Baird, J.
Bankes, rt. hon. G.
Barrow, W. H.
Bell, J.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Booker, T. W.
Brisco, M.
Brotherton, J.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, E. H.
Burrell, Sir C. M.
Campbell, hon. W.
Carew, W. H. P.
Chandos, Marq. of
Christopher, rt. hn. R. A.
Christy, S.
Clinton, Lord C. P.
Conolly, T.
Cotton, hon. W. H. S.
Davies, D. A. S.
Disraeli, rt. hon. B.
Duncan, G.
Duncombe, hon. A.
Dunne, Col.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Forbes, W.
Forester, rt. hon. Col.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Galway, Visct.
Gilpin, Col.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grogan, E.
Grosvenor, Earl
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Headlam, T. E.
Heathcote, Sir G. J.
Heneage, E.
Henley, rt. hon. J. W.
Herries, rt. hon. J. C.
Hindley, C.
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, D.
Kildare, Marq. of
Knight, F. W.
Knox, hon. W. S.
Langton, W. G.
Lowther, hon. Col.
Mandeville, Visct.
Manners, Lord J.
Matheson, Col.
Meux, Sir H.
Miles, W.
Milligan, R.
Milner, W. M. E.
Morgan, O.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Newport, Visct.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmer, R.
Plowden, W. H. C.
Ricardo, O.
Romilly, Sir J.
Salwey, Col.
Sibthorp, Col.
Smith, J. A.
Stanley, Lord
Stanton, W. H.
Stewart, Adm.
Taylor, Col.
Tennent, Sir J. E.
Thompson, Col.
Thornely, T.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Verner, Sir W.
Vesey, hon. T.

Waddington, H. S.
Walpole, rt. hon. S. H.
Wellesley, Lord C.
Whiteside, J.
Wood, Sir W. P.
Wyvill, M.

TELLERS.

Mackenzie, W. F.
Lennox, Lord H.

List of the NOES.

Anstey, T. C.
Carter, S.
Cogan, W. H. F.
Devereux, J. T.
Green, J.
Magan, W. H.
Maher, N. V.
Mahon, The O'Gorman
Norreys, Sir D. J.
O'Connell, M. J.
Pechell, Sir G. B.

TELLERS.

Scully, F.
Scully, V.

House resumed. Bill *reported;* as amended.

DISABILITIES REPEAL BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the Third Time."

SIR WILLIAM PAGE WOOD said, that the Bill was most meagre and unsatisfactory, after all the votes in respect to this subject which had been come to by this House. He was not going to oppose the third reading of the Bill, but he could not allow the Bill to pass without any comment being made upon it. He had scarcely expected in the year 1852 a Bill falling so short of the requirements which for the satisfaction of the House had been shown to be necessary. By this enactment they even continued the penalty of 500*l.* The Bill might be received as an instalment, and as an instalment he received it, but protesting at the same time against its being a satisfactory acknowledgment of the principle involved in it.

MR. NEWDEGATE said, that the hon. and learned Gentleman need not be dissatisfied with the instalment. The Bill had been brought in in consequence of the case of Mr. Salomons, in order to reduce the penalties he had incurred by voting in this House without taking the required oaths. He believed that the action brought against Mr. Salomons by Mr. Miller was a collusive action, and if the penalties could be evaded by a collusive action, any one might vote here night after night without punishment. On the trial, to his surprise, the Records of this House were rejected as evidence by the Lord Chief Baron. He was also dissatisfied with this Bill because it was retrospective. He should, therefore oppose the further progress of the Bill, so that the House might have time to inquire into its effect. If a collusive action were valid, as had been held by the Lord Chief Baron, the most dangerous consequences would result. He should move that the Bill be read a third time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. ROUNDELL PALMER said, the hon. Gentleman who had just sat down certainly had shown that he had paid very little attention to the Bill, and was but imperfectly acquainted with its provisions. He (Mr. R. Palmer) was not responsible for the Bill, but he esteemed it an honour to have been asked to take charge of it by Lord Lyndhurst, a nobleman who had three times filled with distinguished honour the situation of Lord High Chancellor of England under Conservative Governments —a nobleman who for many years had taken a distinguished part in that assemblage, who had at no time shown a disposition rashly to dispense with the securities the law provided for the maintenance of our Parliamentary constitution, and in this particular matter, the admission of Jews to civil privileges, had shown a greater degree of hesitation, and greater scruples, than he, for one, was disposed to entertain. The Bill was strictly and carefully confined to the object of sweeping off the face of the Statute-book the most barbarous, absurd, and extravagant disabilities that ever disgraced it. What, he would ask, were those disabilities now sought to be repealed? If any one wrongly voted in that House, he was declared incapable of maintaining any suit at law; he could not be the guardian even of his own children; no one could leave him a legacy; nor could he ever after hold any civil office. Those disabilities were swept away by the Bill, and the penalty of 500*l.* remained. But it was a mistake to suppose that this penalty was the only safeguard which the House had against intruders. The House had a far greater safeguard; it had Imperial jurisdiction and ample powers to expel and punish intruders. The measure was one simply of justice, and if they did not pass this retrospective Bill, the gentleman to whose case it referred (Mr. Alderman Salomons) would be for ever subject to the enormous disabilities which it sought to repeal.

MR. CHISHOLM ANSTEY thought the measure was most inadequate, and should have much preferred a Bill declaratory of the right of Jews to sit in Parliament. However, as he found nothing in the Bill to militate against the proposition which he would ever maintain—that Mr. Alderman Salomons was duly qualified to sit and vote in Parliament, he would give it his support.

MR. WALPOLE said, he should give his vote in favour of the third reading of the Bill. If he could look upon such a measure as an instalment of the question that Jews should sit in that House, or even as an inadequate Bill for the purposes it professed, he should feel it his duty to object to it. But that was not the question before them. The question was, whether they were to leave on the Statute-book, in addition to the penalties for the offence of voting in that House, without taking the requisite Oaths, the other very serious consequences that, by the law as it stood, attached to such offence. He felt, that as no person could have a seat in that House without taking the Oath, "on the true faith of a Christian," it would be useless to insist on these penalties.

MR. HUDSON said, he was sure that the hon. Gentleman (Mr. Newdegate), though anxious to exclude Jews from that House, was not desirous of persecuting them, and he trusted he would withdraw his Amendment, and allow the Bill to pass with the unanimous sanction of the House.

MR. NEWDEGATE said, he would consent to withdraw the Amendment, his sole object having been to secure the proceedings in the Court of Exchequer from being over-ridden by a decision of Parliament. The whole proceedings in this case had been most extraordinary. The hon. and learned Gentleman opposite had confessed that he had been astonished at the verdict; but as there were several members of the Jewish persuasion on the jury, it was natural to suppose they had a strong bias.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°.

MR. CHISHOLM ANSTEY moved an Amendment, extending the exemption to persons other than Members of Parliament who were liable, under the existing Act, to similar penalties for refusing to take the Oath before magistrates.

Amendment proposed—

> "In page 1, line 13, after the word 'stated,' to insert the words 'or that if any person to whom the said Oath shall have been tendered by two Justices of the Peace in manner therein provided, shall decline or neglect to take and subscribe the same."

Question put, "That those words be there inserted."

The House *divided:*—Ayes 4; Noes 50: Majority 46.

Bill *passed.*

The House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 22, 1852.

MINUTES.] PUBLIC BILLS. — 1ª Consolidated Fund (Appropriation); Militia Ballots Suspension; Militia Pay; Metropolis Water Supply; Holloway House of Correction.

2ª Pharmacy; County Rates.

Reported. — Appointment of Overseers; Hereditary Casual Revenues in the Colonies.

3ª Passengers Act Amendment; Loor Law Commission Continuance (Ireland).

THE "BIRKENHEAD"—DISCIPLINE OF THE ARMY.

The DUKE of WELLINGTON said: My Lords, in consequence of what passed in the debate on the second reading of the Militia Bill, I have felt it my duty to inquire into the state of discipline of the body of men who were embarked for the Cape in Her Majesty's steam ship, the *Birkenhead.* As detailed reports have been received, and as all are interested in ascertaining the truth of those reports which have been made relative to the matter in question, and as to the state of discipline of the regiment on board that steam ship, it is my duty to move that the reports received be laid upon your Lordships' table. I have, therefore, to move—

> "That an humble Address be presented to Her Majesty for a Copy of the Order given on the 18th of December last to the several depôts of Regiments that sent men to the Regiments at the Cape of which such depôts formed part, which men embarked in Her Majesty's late ship *Birkenhead;* also for a Copy of the Order of the 16th of June requiring the Commanding Officers of the several depôts to report whether the men embarked in the *Birkenhead* were instructed in firing with ball cartridge; and also for Copies of the Reports received from the several depôts in consequence."

Motion *agreed to.*

RAILWAYS IN BRITISH NORTH AMERICA —EXPLANATION.

EARL GREY took the opportunity of correcting a statement he had made on a recent occasion, when the subject of railways in British North America was discussed by their Lordships. He found he was mistaken in stating that the person through whom Mr. Chandler first received instruction of the final decision of the Government, an officer of an association which desired to graft a system of emigration upon the scheme of a railway, was a person against whom the Emigration Commissioners had felt it to be their duty to caution the public, to the effect that they should not listen to his schemes. But he was perfectly correct in saying that the association and all the persons connected with it did not hold such a position in the commercial world that it was proper they should be made the channel of so important a communication. [*See page* 92.] He (Earl Grey) found on inquiry that the association had been holding out that which tended to create the impression they were under the patronage of the Government. Undoubtedly, they had opened an account at Masterman's bank; they had paid in 18*l*., and drawn out 17*l*.

The EARL of DESART said, the communication to Mr. Hincks was of the same date as the communication to the association referred to.

SUITORS IN CHANCERY RELIEF BILL.

LORD LYNDHURST presented a petition from the Managing Committee of the Metropolitan and Provincial Law Association, praying that the provisions of the Bill may be extended according to certain views mentioned in the petition. The petition contained points which he considered of great importance, and to which he wished to call the attention of his noble and learned Friend on the woolsack. The Bill to which his remarks had reference stood for Committee that evening, and was founded on the recommendations of the Report of a Select Committee of the other House of Parliament. In that report it was recommended that orders of course should be abolished, with certain exceptions to be decided on by the Lord Chancellor. Now, on looking at the Bill, he found that it did not contain any reference to those orders of course. This was a matter closely connected with the remarks which his noble and learned Friend on the woolsack had made on the second reading of the Bill. He wished to ask his noble and learned Friend to explain why the recommendation of the Select Committee had not been acceded to. The petition also recommended the entire abolition of the Accountant General's Office, on the ground that the Bank of England afforded a sufficient guarantee for the security of all sums paid into it. Another point in the petition well worthy of consideration was, that fees for services not now rendered were still paid into the suitors' fee fund. Now, in that fund there was a surplus, and that surplus ought not to be paid into an accumulating fund, but ought to be applied to the reduction of fees. The petitioners desired that his noble and learned Friend on the woolsack would take measures to secure the application of that fund to other purposes than that of forming an accumulation fund.

The LORD CHANCELLOR observed, that as he had heard nothing before of the omissions in this Bill to which his noble and learned Friend had called his attention, he could not be expected to meet him on the moment with a satisfactory answer. With regard to the abolition of motions of course, he could give no explanation of the causes why they were not provided for in the Bill then before their Lordships. He had had nothing to do with the preparation of the Bill. The Bill was introduced into Parliament before the present Government came into office, and came up in its present shape from the other House of Parliament; he, therefore, thought it to be his duty to take it up with the sole view of passing it through their Lordships' House. It was a Bill on which many persons set great value, and he really believed that it was a valuable Bill. He was, however, of opinion that there were many clauses in it which required revision; but it was now so late in the Session that he could not undertake to revise and correct them himself. He had, therefore, only this choice left to him—either to let the Bill drop, which would have given satisfaction to no party, and would have created great dissatisfaction in the House of Commons, or to let it pass in its present shape, and to correct its errors when they became apparent in its operation. He could not send it up for consideration to a Select Committee of their Lordships at this period of the Session, and he was therefore under the necessity of moving either that it be now read a second time, or of allowing it to drop for this Session. With regard to the proposition for the abolition of the Accountant General's Office, it was quite impossible for him to give at once a hasty opinion; but with regard to the surplus of the Suitors' Fee Fund, he was of opinion it should be applied to the relief of the present suitors, because nothing was more vexatious than to go on abolishing unnecessary offices and diminishing the expenses of the Court of Chancery, and yet to find that the suitors had to pay the same amount of fees. He should, therefore, have very great satisfaction in addressing himself, as soon as possible, to providing a remedy for that state of things.

Lord LYNDHURST said, that he was informed that the accumulated fee fund now amounted to 200,000*l.* He was quite satisfied with the answer which he had elicited from his noble and learned Friend on that point; but he was sorry that his noble and learned Friend had not been able to give him a more satisfactory and conclusive answer on other points.

Petition to lie on the table.

NEW ZEALAND GOVERNMENT BILL.

Order of the Day for the Second Reading read.

The **Earl of DESART** said, he rose to move the Second Reading of one of the important measures which Her Majesty's Government had considered it to be its duty to bring forward in this anomalous Session of Parliament; and he could assure their Lordships that there were few Bills of greater importance than that which he then submitted to their approbation. It concerned not only the destiny of one of our most rising colonies, but also the interest of many individuals, who, though separated from us by long distance, were still anxious for the general prosperity of the great Empire of which they formed a component part. He was sorry that a Bill of such vast importance should have been intrusted to a person comparatively of such small experience as himself, who was scarcely competent to undertake a task of such magnitude; but he had this consolation to support him—that this Bill was no party measure. He, therefore trusted that the same forbearance which had influenced hon. Gentlemen in the other House of Parliament would also induce their Lordships to consider this measure favourably, and to realise the wishes of their fellow-countrymen for the future good government of this colony. He did not know whether it was necessary for him, as their Lordships were all of them well acquainted with this subject, to enter into a history of the fortunes of this colony; but still it might be expected that he should give a slight but free sketch of them. The number of European inhabitants in New Zealand amounted to 26,000 souls, scattered over nine different settlements. One of these settlements contained a population of 9,000 persons, while a population was scattered over the other eight not exceeding 17,000 persons. There was no communication between these different settlements except on horseback, and they were divided from each other by mountains and rivers over which there were no bridges. The constitution which had been given to the colony in 1847 had been suspended for five years, and the approaching expiration of that term rendered it necessary to frame an Act capable of surmounting the difficulties attendant on all past legislation for this important colony. There was, however, one circumstance which gave the Legislature considerable facilities in this task. The native inhabitants of New Zealand were far superior to all those with whom our attempts at colonisation had hitherto made us acquainted They understood agriculture, they made good sailors, they were anxious for the advantages of civilisation, they understood its power, and they were ambitious to obtain for themselves a higher scale among the nations of the earth than they could ever hope to obtain in a state of barbarism. With these facilities he hoped that we should be able to incorporate these aborigines with our European colonists, and to merge them gradually with our own people into one great, useful, and intelligent community. It was proposed by this Bill to make a beginning of such a good work by establishing six provincial councils, embracing all the nine different settlements of New Zealand. The legislative functions of these councils were distinctly defined; and the first change which he had to mention in the scheme formerly framed for the constitution of the colony was, that the superintendent officer of these councils, instead of being nominated by the Crown should be an elective officer, and that he should be elected by the same machinery as that which returned the elective council. He confessed that at first he had entertained doubts as to the policy of such a regulation; but on mature deliberation he thought that the advantages to be derived from it, outweighed the possible evil that might result. Having said thus much regarding the provincial councils, he had next to state that it was proposed that there should be a Central General Assembly within the colony, consisting of the Governor, a Legislative Council, and a House of Representatives. The members of the Legislative Council would hold their appointments for life, and would be 10 in number; while the Members of the House of Representatives would be elected by the same machinery as that used in the election of the provincial councillors, and would hold their seats for five years, unless the General Assembly was sooner dissolved. He did not think that it was necessary for him to go further into the details of the measure then before their Lordships, except to allude to one important provision. The waste lands of New Zealand were placed under the control of the General Assembly, but under certain provisions clearly defined. The Crown reserved to itself the power of regulating and controlling all transactions between the aborigines and the colonists relative to the sale of such lands. No one could be more averse than himself to yield at once to the unreasonable claims of the colonists to obtain the entire management of the waste lands, wherever they were settled. The concession would be dangerous to the colonists themselves, when they could neither alienate nor improve them. His objections to such a concession did not apply so strongly to the colony of New Zealand as to our other colonies, for the aborigines of New Zealand, as he had before stated, were anxious to associate themselves with Europeans, and as many of them had funds under English protection—one of the chiefs to the amount of 500*l.*, and others to the amount of 300*l.* and 200*l.*—we had a right to expect that before long there would be a general fusion between them and the English colonists; and if such should be the case, we should accomplish a greater benefit for the colony than any which could be derived from any other measures. These were the principal features of the Bill. Suggestions would be made, no doubt, which would receive due consideration. But the question was not a party one, and he hoped that the Bill, as regarded its general principles, would be adopted without alteration. He was not one of those that desired to plant constitutions upon the English model in every colony, however fitted or unfitted for their growth; but there was always a time when it was for the interest of the parent country as much as for that of the colonies that all restrictions should be withdrawn and free institutions granted. The question then was, whether New Zealand was in that condition, and he thought it was. He dared not speak with certainty; the whole thing was an experiment; but it was one in which he saw some future prospect of civilisation for that country. Moreover, England was now fulfilling that high mission which Providence had confided to her, and there was every reason to hope she would be successful in propagating along with political liberty those blessings and advantages to the people which Christianity alone could afford.

Moved—" That the Bill be read 2^a."

LORD LYTTELTON: My Lords, being connected with one of the settlements in New Zealand, and having much interest in that colony generally, I venture to address the House this evening. I would first acknowledge, and I believe I might do so in the name of almost all the colonists of New Zealand, the good-will towards that colony which moved Her Majesty's Government to introduce this Bill, and in circumstances of considerable difficulty to carry it through to the present stage. My Lords, I rejoice to believe that the Bill is now beyond the reach of serious harm. If it were not so, or if I were a person of that weight in this House that any remarks which I could make could have any effect in obstructing the progress of a measure like this, I should certainly abstain from making any attempt to criticise this Bill; believing, as I do, that with all its defects it will be a most acceptable boon to the colony, and that it is the largest instalment of right legislation on these subjects that has been made for more than a hundred years. But as it is, I shall venture freely to point out what seem to me the main defects in this Bill—defects which are not connected with the particular colony of New Zealand, but depend on general principles of colonial policy. I would measure those defects by a reference to what I conceive to be the great standard of right principle on this subject—the constitutions given to our early North American colonies; and as a specimen of those constitutions, I will take the charter given to the colony of Maryland, as in many respects one of the best. A proprietary colony it was, and I would not be understood as advocating that particular form of tenure and of local government. But in a question of political rights and franchises, as between the colony and the mother country, this point may be of no great importance. Nor would it make any difference if I were to take one of the charters of the New England States instead—Connecticut or Rhodes Island for example, as the provisions are mainly the same in the two cases. Now, the leading features of those constitutions, as I apprehend, were these. In the first place, the colonists were given unlimited freedom of legislation as to their internal affairs. In the next place, they were given the complete control of the land of their settlement. In the next place, they were given the appointment and the payment of every officer of their establishment, from the Governor downwards. In the next place, they were given an unfettered trade. In the first place, they were charged with the entire care of their own defence. In the next place, they were given the uncontrolled right of self-taxation. And in the last place, the whole cost of their maintenance, without an exception, was thrown upon them. On some of these points, which have been recently conceded to the colonies, or which are now for the first time conceded by this Bill, I shall say very little. It is to the honour of Her Majesty's present Government, and of this Bill, that it for the first time gives to the colonists to whom it relates the control of their own land. Complete liberty of trade has also been given to our colonies, though only very recently, to the disgrace of this country, and of its state of advancement in political science. Nothing could be more inconsistent with the principles of our early colonisation in this respect than the system of colonial trade regulation, known by the name of the colonial system, which grew up too soon after the time of those early settlements, and which was so fixed in the mind of the people of this country, that even Mr. Burke, far in advance as he was of his contemporaries, in liberality of feeling on colonial subjects generally, could speak without scruple or disguise of that system as one quite distinct from the rest of our colonial legislation; and as one which was contrived solely for the supposed benefit of this country exclusively, without the least regard for the colonies. This system is now done away with. Liberty of self-taxation is almost entirely now conceded to the colonies. The command of the land fund, indeed, is given for the first time by this Bill; and there still remains some shadow of that great absurdity called the colonial civil lists. But it is hardly more than a shadow, because of the power allowed to the colonial legislatures to deal with those civil lists when established, though their establishment is still provided in the Acts. With regard to the appointment of their officers, I admit that I do not attach the importance which some do to the election of the Governors by the colonial communities, though I do not object to it. But I think the present system, by which the Governors are named by the Crown, is a good one, and might work very well, if the Government would but put an end to that mischievous modern innovation, according to which a colonial Governor is understood, by a sort of arrangement between him and the Government at home, to hold his office for a fixed term of years, five, six, or seven; an arrangement which prevents his identifying himself with the colony over which he presides, makes him always feel himself a stranger there, and very much prevents the public opinion of the colony from acting upon him. A colonial Governor should be appointed, like any one else, capable, of course, of promotion, like another servant of the Crown, but without any definite arrangement for his removal at a certain time. In the remaining and perhaps more important points, I conceive that this country has still much to do. I say that the early colonies had an uncontrolled power of legislation in their own affairs. They had not an uncontolled power of legislation. Their power was controlled in their charters in two ways—in one by express enactment, in the other by implication and inference from the whole spirit and object of the instrument. As to the latter, they were restrained from legislating in derogation of their allegiance to the Crown of England, or of imperial policy and interests. As to the former, they were restrained by those remarkable words, which occur in all these charters, requiring that their laws shall not be "repugnant to the laws of England." With regard to these words, it is known that they have had a very vague and uncertain operation. It has been investigated with much ability by a distinguished writer, lately a Colleague of the noble Lord behind me (Mr. Cornewall Lewis). He has shown that those words have been held by the Courts to mean, that the laws in question shall not be repugnant to English law, in so far as it is applicable to the circumstances of the colonies. Of course such a provision could not but have rather a vague effect. But, nevertheless, I do not object to these words, which I see are repeated in the present Bill. I am not aware that they have ever had an injurious effect, and they have probably had some good tendency in keeping colonial legislation in harmony with the principles of English law. But the great point, with respect to both the subjects last mentioned, is, that if any question arose under these charters, with regard to the proper limits of the colonial legislation, it would have to be decided according to the legal construction of a public written instrument, and in an open Court of Law. No colonist could object to that. It is essentially different from the modern system which has grown up since, by which every particle of the colonial legislation on all subjects, great and small, is sent home for allowance or disallowance by what is in fact a secret tribunal—the Colonial Office. In those early days the Colonial Office did not and could not exist. The first trace of the modern system is to be found, not in the first charters, but in a later one—in the second charter given to the province of Massachusetts in the time of William III. It is there provided that all colonial Acts shall be sent home for the consideration of the King; a provision that does not appear to have been generally acted on, that gave great dissatisfaction to the colonists when passed, and that stands out in singular contrast to the general spirit of the previous enactments in the matter. The only answer which the noble Earl (Earl Grey) has ever given to the obvious arguments against this general power of disallowance, is one the inadequateness of which is so manifest, that it is astonishing how a man of his great ability and acuteness of mind should fail to perceive it. It is, that, as it happens, he, in the plentitude of his liberality on these subjects, and perhaps some of his predecessors, have not, in fact, exercised this veto more than in a very few cases, two or three per cent, and in which its propriety was indisputable. How is this a satisfactory reply to colonists at the Antipodes? How do they know what Secretary of State is in office? How do they know which measures these two or three per cent will be, which he considers open to his objections? But this point has been so much argued of late, that I shall not detain the House further upon it. With regard to self-defence, the words of this charter are most explicit, in giving to the colonists both the right and the responsibility of defending themselves against all enemies whatsoever. And so as to their own support, there is no reservation whatever; but the whole cost of their establishments is thrown upon themselves. No doubt, in neither of these last cases is it meant that there was never to be exceptions, in which the mother country might give aid to her dependencies; but the question is as to their normal state. It was then indisputably one of self-support; whereas now, at least as to military defence, the case is distinctly reversed, and we regularly undertake for the protection of our colonies in all parts of the world. Such, my Lords, as I conceive, is an outline of our early colonial system. As far as it went, that New South Wales petition, lately presented in this House, coincided with that system; and we are told that it is inconsistent with the principle of a colonial empire. I ask, was it so found? For this system was not a mere paper one, but was in actual life and operation for the better part of a century, up to within a certain number of years before the American revolution. And I say that during that time these colonies were the pride and the glory of this country, and that they were a colonial empire in the sense in which we ought to wish to have one. For I would wish, again and again, to impress upon those who take an interest in those subjects, that we ought not to desire to have colonies for the sake of any supposed gain to ourselves, or of any selfish object, but in order, as is often recited in these ancient charters, to propagate through the world the religious and civil institutions of England, and to rear up races of manly, and generous, and self-relying men; and I say that such these colonies were. Try it in reference to some of the more importants points I have mentioned. I say those colonies did support themselves; and that their people could not even have conceived such things as we have seen in modern days, when South Australia was not ashamed to receive 150,000*l.* in a Parliamentary grant; and, still worse, when Prince Edward's Island, Western Australia, and, as will be remembered hereafter as the disgrace of the early history of this great colony, New Zealand, have not scrupled to subsist for years for the supply of their daily wants on the reluctant alms of the mother country. Those colonies did defend themselves against all difficulties and dangers. Some time ago evidence was given by a most excellent and valuable servant of the Crown, Mr. Elliot, of the Colonial Office, before a Committee of this House on emigration, in which he made some comparisons between our early colonies and some of the modern ones, especially the Australasian colonies, as to their advance in material prosperity; and he said that Virginia had been destroyed four times over before it, as it were, got under weigh, whereas the

Australasian colonies had made the rapid progress which we know. The instance was not a happy one, inasmuch as the early charters of Viginia were very much more restrictive than those of the later colonies, and gave much more power, partly to the Crown and partly to a company at home. But it may freely be admitted that some of our modern colonies have arrived at a much higher pitch of merely material success than those ancient ones did. I must again press on your Lordships that that is not the point, but what sort of men they were, and what were their characters? For example, could any one conceive it for a moment to be possible that any of those early colonists should have done what we saw the other day in a memorial from some of the border colonists at the Cape, which I read with the greatest shame and indignation, setting forth in distinct terms their own unwarlikeness of disposition? Aye, these unhappy creatures actually were not ashamed to address the Crown and the Governor, stating, as if they were so many women and children, that they were incapable of self-defence, and begging that something like men might be sent out from home to take care of them. Assuredly such was not the spirit in which those ancient colonists went forth. They went forth, well knowing that they were to encounter difficulties and dangers of all sorts; and in that spirit they coped successfully, year after year, with savages much more warlike and ferocious than those whom our colonists have met at the Cape and in New Zealand, and the fear of whom has so discouraged colonisation to those countries; in that spirit they repeatedly, by their own voluntary offer, took a part, to their own great burden and risk, in the general wars of the Empire; and in that spirit, too, when, as has been said—

> "Like a large and patient sea,
> Once roused by cruel weather,"

when, at length goaded beyond endurance by the folly and oppression of England, they rose against it, and at a blow dashed from them that misused and pernicious—pernicious only because misused—domination. But not till it was so misused. For I would ask your Lordships, in the third place, how stands the comparison with regard to the local feelings of our colonies? I do not deny that there is a strong feeling of loyalty at present in our colonies. But this I know, that whenever any petty grievance is felt in North America or in Australia, we hear talk and rumours of separation from this country. No doubt this is partly owing to change of times and circumstances; but still there the feeling is, and it is most widely different from the feeling which prevailed in those old colonies. Nothing in history is more remarkable than the ineradicable and inextinguishable loyalty of those men. Who (as I suppose) is the best witness of the state of feeling in America previous to the Revolution? Franklin; his memoirs and correspondence. And long after the time when Mr. Grenville, the Duke of Grafton, Lord North, and the rest of the most infatuated statesmen (so called) of those days, had not only begun, but carried on their system of contempt and oppression towards the colonies, yes, up to the very eve of the outbreak of the war, up to 1774 or 1775, he could not even conceive the possibility, much less entertain the desire, of a separation of the Colonies from England. My Lords, I will only add on this general question, that I believe we are returning to that earlier system; that the modern one has been gradually undermined for a long time, and that if—as I hope and believe we shall—if we do keep our colonies, some of us will live to see our ancient principles restored in their essential features. Adverting now briefly to the provisions of this Bill, it is plain that it is to be looked at in two aspects—as it relates to the general government of New Zealand, and as it relates to its provincial constitution. There seems to me to be more that is good in the latter than in the former. In the former, as I suppose, what is good is first, that the general legislature has the control of the land; secondly, that the constitution of the assembly has avoided that mischievous device of modern times, the intermixture in the same council of the members elected by the people with the temporary nominees of the Crown; and, thirdly, that the members of the Legislative Council are nominated for life. For I am unable to go so far as many persons who desire to see both the chambers wholly elective. I certainly think that some persons of much authority on these subjects go too far in their admiration of the United States as our model in such questions. I do not wish in all points to copy them as they have been since the American war, but rather to copy them as they were when they were our colonies, long before that war. And I am disposed to hope that the important provision which I have referred to, by which the members are nominated for life, may be found to be in this respect a sufficient improvement. But the most valuable part of this Bill, as I consider, is that which relates to the provinces into which it divides the colony. Her Majesty's Government have brought in a much better Bill than they are at all aware of, or than they had any intention of bringing in. The right hon. Gentleman who, with so much credit to himself, fills the office of Secretary for the Colonies, has frequently said that he looks on these six provinces merely as little municipalities, petty boroughs, like those which are to be found in this country, and which therefore may well be allowed to elect their own officers, as mayors are elected, and so on. My noble Friend (Lord Grey) took a much juster view when he said in that despatch of his, which accompanied the draft of his Bill, that these provinces could not be looked on as mere municipalities, but were really colonies; and therefore, according to what he has, unfortunately, always maintained, he retained for them what is too well known as the home veto on their enactments. Happily the present Government, looking on them as I have said, have destroyed that veto, and given it to the Governor of New Zealand, thereby doing away with very much of the objection to it in respect of delay; and also, though I should have preferred its being left with the superintendents of the several provinces, giving it to one who may be hoped to be more influenced by the public opinion of the colony, and to take a more considerate view of the subjects referred to him than has sometimes been the case at home. The provinces have also the advantage of purely elective councils, and that in their individual case at least there is no reservation at all of a civil list, and they have a real control of their own revenue. The only point in the Bill which seems to me bad enough to deserve notice, but which I cannot wonder at, with the opinions the Government entertain as to the relative position of the central Government in the colony and the provincial bodies, is the concurrent power of legislation given to them. I cannot but sincerely wish that some delimitation of subjects had been provided between those powers. My Lords, I remember the slight, but I fear well-deserved, sneer of the noble Earl at the head of the Government, in his speech at the opening of this Session, at the degree of interest and of knowledge concerning New Zealand possessed by Members of this House. Nevertheless, I am assured that no one who has attended to the question will deny its importance, or that the consideration which had been bestowed in the present Bill has been well bestowed. Of course, if I had any hope that amendments such as I have indicated could be passed, I should feel it my duty to press them upon the House; but, as that is not the case, I will only add, that I shall be well content if this Bill should pass without any material alteration.

Lord WODEHOUSE said, he thought that those who had paid any attention to the framework of this Bill would readily acknowledge that, in a theoretical point of view, many objections might be made to it. It was certainly not a perfect model of a constitution, neither did it contain any leading principles of government whatsoever. In addition to this want, he thought that there was a most disproportionate amount of government provided for so small a community; and it was moreover very probable that considerable difficulties would ensue from the existence of six different codes of law, passed by the six local legislatures, a seventh code enacted by the General Assembly, and the continued existence of remnants of native usages in some parts of the Colony. The proposed Government would consist of six provincial legislatures, a general Legislative Assembly, a Governor in chief, and six provincial governors—and all this for a population not numbering 20,000 Europeans. In such a state of things there could not fail to be an absence of that harmonious working which was necessary to the success of the new constitution. He believed that the colonists would look rather to the powers conferred upon each legislature than to the particular form in which that legislature might be cast. He thought that a mistake had been fallen into by preceding speakers in supposing that these provincial legislatures would remain separate. The example of the early States of Greece and of Italy in the Middle Ages was not applicable to the case of New Zealand in the present day. The application of steam power, and the increased facilities of communication would completely alter the position of these islands, and render a central and united legislature practicable. Neither did he think the example of the United States at the present day was at all analogous. The extent of territory of the United States rendered a comparison of that country with

New Zealand fallacious. Although he fully concurred in the propriety of giving the management of the waste lands to the local legislatures of New Zealand, he could not help thinking that such a course would excite the jealousy of the older and more densely populated colony of New South Wales, to which a corresponding privilege was at present denied. As he had no doubt that the separation of the local legislatures would be but of a temporary character, he approved of the plan of making the superintendents elective by the colonists themselves rather than subject to the appointment of the Governor or Crown at home. The course adopted was gratifying to the colonists, and would be productive of no material injury to the colony itself. Another important concession made to the colonists by this measure regarded the *veto* reserved to the Imperial Government, and the power of disallowing Bills by the Governor. These were wise concessions, and made at the proper time. The present was an exceedingly critical time for our colonies. This country now possessed vast colonies growing up, he might say, to manhood; and if we profited by the lessons of the last century, and treated these colonies in a generous and liberal spirit, and avoided any vexatious interference with their purely local affairs, he felt convinced that they would cheerfully submit to every necessary control in matters of imperial interest, in return for the protection afforded them by the Imperial Government. The Colonies would by such means become knit to the mother country by the bond of one common language, of one common commercial interest, by identity of political institutions, and would be animated with one common respect for the parent country.

The DUKE of NEWCASTLE said, that he would not attempt to follow his noble Friend (Lord Lyttelton) into the wide field of discussion on the principles of colonisation and colonial government upon which the noble Lord had entered with so much ability; for he could not but perceive that within the last few days they had arrived at that period of the Session—a Session too that was to terminate a Parliament—when it was vain to expect to secure a full discussion upon the second reading of a Bill, or even to rivet their Lordships' attention to any brief details upon a subject such as that now before the House. It appeared, indeed, that the same spirit which pervaded a House of Commons which had been termed "moribund," prevailed equally in that House, which was of a more perpetual and enduring character. There were, however, a few topics to which, notwithstanding the circumstances he had referred to, and the dry details to which his remarks would have reference, he hoped for a short time to be able to secure their Lordships' attention. Without expressing any opinion whether Her Majesty's Government, in proposing the present measure, had adopted it upon a full consideration of its consequences, or, as some persons seemed to think, had been led by a misapprehension of the two Bills which they found in the Colonial Office upon this subject, and from which they admitted the present measure had been formed, to afford greater concessions to the colony than they had anticipated, or intended, he was prepared, for one, to express his general approval of the Bill then before their Lordships. He considered it undoubtedly to involve a much larger measure of colonial freedom than had been conceded by any previous scheme which had been brought before the Legislature since these discussions had occupied their attention. In noticing the more important details of the Bill, there was one which though occurring in the latter clauses of the measure, he could not avoid putting prominently forward—he meant the power of revision of the whole of these present enactments, afforded to the local Legislatures, subject to certain proper restrictions. He considered this to be a most wise provision, because it was impossible for any man in this country, however well versed in matters of the kind, to legislate for all those conflicting points, and complicated details, which even the local Legislature itself would find great difficulty in dealing with. He believed three plans had been suggested for establishing a constitution for New Zealand. The first was, the establishment of a central Government; the second, a subdivision of the colony into two Provinces; and the third, the proposal now before the House, for giving separate local Legislatures to each of the six settlements, to be controlled and overruled by a General Legislature. With respect to the proposal of one central and six local Legislatures, he thought upon the whole it was the best that could have been adopted for the colony. He could not think that those who had advocated but one central Legislature for the whole island, had sufficiently reflected upon the difficulty involved in such a course. How could they propose to have a central Government, when in reality there was no natural centre of the country? Moreover, apart from all the geographical difficulties of communication presented by the island, there would always remain the difficulty of selecting a place for the seat of the Government; and whatever might be the selection made, it could not fail to excite jealousy on the part of other districts which might consider themselves to have superior claims. The proposal to divide the island into two Provinces, though preferable to the establishment of one central Government, would be liable to the same objection, though in a mitigated form, and could not be carried out without producing the greatest embarrassment and difficulty, whilst it lost the advantage of the first plan—unity of action. He was thus led to the conclusion he had already expressed, that on the whole, notwithstanding the objections which might be raised as to the numerous codes of laws that would be enacted, and the conflicting interests which might arise among the separate districts, the proposal for establishing six local Legislatures with one controlling central Legislature, was the best that had been made. It did not appear to him that the amount of the population in any one of the respective provinces was necessarily an essential element of a local system of self government; and although a considerable amount of ridicule had been thrown upon the smallness of the population which was to elect these local Legislatures, he did not think that it possessed much real weight. He confessed, however, that he had some doubts as to one part of the measure—he alluded to the concurrent power of legislation given to the six local Legislatures and to the central Legislature, which, he confessed, he should have been glad to have seen omitted from the Bill. He thought that one of two evils would arise from this arrangement—either that the central Government would swallow up the six minor Legislatures, or that the six minor Legislatures would eventually render useless and cause the abolition of the Central Legislature. This provision would prevent the system from being either central or local, and certainly it prevented it from being either federal, or, in the strict sense of that word, municipal; and he could not see either the justification or necessity for introducing it. With regard to this and some other portions of the Bill, it appeared to him that notwithstanding the general provisions of the Bill were good, there was a general want of unity of principle in them which would entail considerable difficulty in carrying them out, and he feared this want of unity had arisen from the hasty adoption, without adaptation, of the clauses in the two different measures which the new Government had found in the Colonial Office. He thought, however, that Her Majesty's Government had acted wisely in excluding nominees from the local Legislatures; and he believed that by so doing they would avoid much of that collision which had been found to exist in other colonies between the nominated and elected Members of the Legislatures. A specimen of this collision was shown to their Lordships a few days since, when a noble Duke (the Duke of Argyll) presented a petition from the Legislature of New South Wales; and it was stated as a fact that upon a division as to the adoption of the petition—which was not in its language, perhaps, very conciliatory or very moderate—the nominee members all voted one way, and the elected the other. He rejoiced that the Government had avoided in the present measure this element of discord. With respect to the Superintendents, he thought also that Her Majesty's Government had acted wisely in conceding to the colonists the election and appointment of these officers, rather than reserving to the Crown or the Governor their nomination. The provision also that the parties so elected should not receive any salary, or payment of any sort, would, he believed, lead to the election of a better class of men to that position; but he confessed that he thought in making that concession to the representations made in the course of debate in the other House, the Government had hardly considered its general effect and bearing on the remainder of that portion of the Bill which related to the Superintendents. When they came to make the Superintendents the elective heads of the local Legislatures, instead of the nominees of the Crown, as at first proposed, the powers confided to these officers ought to have been framed on a different principle—they ought in some degree to have been diminished and remodelled. He entertained doubts whether the separate appointment of a Speaker of these local Legislatures would now be found necessary. He hoped that, with regard to the public expenditure of the colony, the comparatively petty interests of each provincial Legislature would not be allowed to interfere with those great measures of improvement which were essential to the general prosperity of the whole colony, such as the establishment of regular communication between the different districts. He hoped that this important object was sufficiently secured, and that the undivided control of the land fund, and the principle of a *pro ratâ* return of the surplus funds to the local Legislatures, would obviate all jealousies or future quarrels on this point. Then there was another point in regard to the *veto*, and the power of suspending the measures of the Central Legislature until the opinion of the Home Government could be obtained. The *veto*, in all that concerns the provincial Legislatures, was confined to the Governor alone—he meant by that that there was no *veto* in the Colonial Office as it regarded the provincial Legislatures—and he thought that provision was a very important alteration in the principle at present established to which he had always objected, and which had always been a grievous cause of complaint in every colony. The old prescribed time for the exercise of the *veto* was two years, but that was now reduced, so far as the Governor is concerned, to the period of three months; and he could not understand why three months should be assigned as the time within which the *veto* might be exercised as regarded the Governor, while they retained the most preposterous period of two years after the receipt of the Act, as regarded the Colonial Office at home, under which regulation a measure might be in suspense for a period of three years between the time at which it was passed by the local Legislature and the time when it was confirmed by the Home Government. With reference to the points to which he had made allusion, he had stated that in a great measure he approved of the principles of the Bill, although he would suggest some alterations which he hoped the noble Earl at the head of the Government would take into consideration when the House went into Committee. He now came to a portion of the Bill to which he was sorry to say he could not offer his meed of approbation—he referred to the principle on which the Upper Chamber of the Legislature was constituted, and in which, there had been a complete departure from both the draft Bills on which this measure was founded. He believed that the Bill of his noble Friend (Earl Grey) adopted the principle of an elective Upper Chamber. The present Government had introduced an alteration in this respect; and he could not help thinking that the noble Earl at the head of the Government should, for many of the reasons which induced him to omit the nominee representatives from the local assemblies, have also omitted them from the Upper Chamber. The result of that nominee system had often brought legislation to a dead lock in the Colonies; and, to use a term which obtained great currency some twenty-one or twenty-two years ago, the Upper Chamber had been frequently, as the only remedy, "swamped" by the Governor. Could any one, he would ask, maintain for a moment that that was not a danger which ought to be avoided? The result of that system invariably led to remonstrances from the Colonies to the Government at home, and eventually brought the Colonial Secretary into this most objectionable position—that he had to act as the arbitrator between the Governor and hostile parties in one or both Chambers. He submitted that they would never get a body of nominees to pay that attention to the public business which was required from a House of Assembly. The Governor was forced to appoint as such nominees a body of men probably in some distant part of the colony, who had business of their own to attend to, and who would not come to the central place of legislation to attend to their legislative duties with the promptitude and punctuality which might fairly be expected in an elective body. The theory of a nominee Upper House of Assembly arose from the old notion of Imperial Government, and from an idea that it was necessary to bind the Colonies and the mother country together by some means other than those of mutual interest; that, while it might be desirable to give the colonists a representative body to attend to their interests, they must, at the same time, appoint a nominated body to attend to the interests of the mother country. Now, it appeared to him that in following this old-fashioned notion, the Government were in this instance and in others since their accession to power, pursuing the shadow instead of the substance of a conservative principle. They were pursuing the shadow of a conservative principle in appointing a nominee chamber of an Imperial character, while they were dropping the substance of the really conservative measure of making the body elective, and thereby introducing into it men who had an interest in the colony and in the preservation of all that concerned its welfare, which a nominee body seldom had, and which he believed they never could possess. But then they were told they must endeavour to assimilate the Upper Chamber to the House of Lords in this country. Talk of a House of Lords being made in the Colonies out of the nominee elements of the Crown!—why it was really laughable to maintain for one instant that there would be any similarity between such a body and the House of Lords in the mother country. Their Lordships must, deal with those matters as they found them. They found no element in the Colonies to correspond with the House of Lords; and although perhaps, in appearance, the appointment by the Crown of representatives of the Crown might look rather more like a House of Lords than a body elected by the people, yet, if their Lordships came practically to examine that appearance, they would see how shadowy and unreal the whole theory was. Was it not received as an axiom that many of the European nations had failed in their attempts to imitate our House of Lords in their political constitutions, by forgetting that that institution was the growth of centuries, and not the work of yesterday? Did any one suppose, if that Assembly which he was now addressing were at once swept away, and a nominee Chamber appointed in its stead, 'that that nominee Chamber would possess the moral influence which their Lordships possessed, and which he trusted they would long retain? The thing was practically impossible; and if their Lordships came to look at this nominee Chamber, as merely a means of giving this country, through the Governor appointed by the Crown, a check on the acts of the Legislature, then he said such a body was altogether superflous; because, as they gave to the Governor the power of *veto* as against the local Legislature, it was absolutely useless to give him another power of *veto* through the instrumentality of nominees, entailing, too, as it does, the additional power of "swamping" his own House of Assembly. Let them in any way provide for the superior influence of the members of an elective Upper Chamber. Let them insist upon a higher qualification either of elected or electors; let them give them a longer tenure of their seats, or make the areas of representation more extensive; let them make the local Legislatures themselves the electors of the Central Upper Chamber; let them adopt the model of the United States; let them do any or all of these things; but let them not engraft upon this measure of freedom and contentment to the Colony, a scheme which must end in disappointment, and be the cause of future quarrel. He now turned to a feature in the Bill, a consideration of which induced him to press on the Government the postponement of this portion of the measure for the present Session—he meant the provision with reference to the appropriation of a certain amount, he believed one-fourth, of all the land sales to the New Zealand Company. He begged to say, at once, that he had no feeling of hostility against the New Zealand Company. He looked at this simply as a matter of very serious importance as regarded the honour of the Legislature of this country, as regarded the colony itself—he looked at it, in short, as a matter involving a great public principle. He was not about to bring any bill of indictment against the New Zealand Company, nor to give any opinion for or against the charges which had been brought against them. All that he wished to do was, to press upon their Lordships, that while charges of so serious a nature as those to which he had referred were before the country, and were unrefuted, it was most important that their Lordships should not come to any hasty decision on the subject. He begged to say, that what he particularly objected to was, that the Bill would improve the position of the New Zealand Company—an advantage to which he considered they had no just claim; all that the Company was entitled to was, that they should not be placed by this measure in a worse position than they were at present—however the Government, in their generosity, had acted towards them—and most generously the Government had acted—he did not wish to take from the Company one iota of what they had got; but what he said was, that nothing should be done by this Bill, and until the charges against the Company were cleared up, to add to the generosity of the Government. By the Act of 1847 the Government lent 236,000*l.* to the New Zealand Company without interest; and there was a charge of 268,000*l.* in addition made upon the land of the Colony for the benefit of the Company, making a contribution from the funds of the colony, or of the mother country, as the case might be, of upwards of half a million. And how was the 268,000*l.* charged? By the Act of 1847 it was provided that the sum of 268,000*l.*, with interest at the rate of 3½ per cent, was "to be charged upon and paid to them out of the proceeds of all sales of land in New Zealand, after deducting the outlay for surveys, and the proportion of such proceeds which is appropriated to the purposes of emigration;" at the same time, in the event of the Company breaking up, in which case the loan of 236,000*l.* was to become a gift, their lands were to revert to the Crown, "upon condition of the Crown satisfying any liabilities to which the Company may then be liable under their existing engagements, with reference to the settlement at Nelson." It was, however, extremely doubtful whether after these deductions had been made, there was any surplus whatever due to the Company; and, moreover, the law officers of the Crown, whose opinion had been asked, stated in effect that there was no restriction whatever to the whole surplus after payment of surveys being allotted to the purposes of emigration. He might be told that the New Zealand Company had a moral, if they had not a legal, claim to compensation; but, in the first place, he could not admit the moral claim; and, in the second, he did not think that they could deal with moral claims in that House when the mode of discharging them was to be not at their own expense, but at that of the Colony. Their Lordships must deal with the law as they found it; and he thought the Company had no right to expect that House to step in and place them in a better position than that in which the law placed them, merely because they considered that law had not been so favourable to them as they expected. He came now to the charges brought against the New Zealand Company as to the mode in which they had dealt with the Government of the day. Few of their Lordships were unaware of those charges. That which he thought was perhaps the most palpable was the fact that, before consenting to the arrangement made in 1847, and confirmed by the Act which passed in that year, the Chancellor of the Exchequer appeared to be most solicitous not to admit any undue burden on the public purse, and to see, moreover, what were the whole liabilities to which he was committing the country. At that time (1847) there was a question of liability pending between the Company and their own province of Nelson. That was a claim made by the settlers of that province—whether it was a just claim or not he did not say—in reference to which the New Zealand Company had thought it advisable to take the opinion of counsel. But the Chancellor of the Exchequer would seem not for one moment to have been made aware that such a question of liability was pending; for in one of his answers he expressly said he understood there was no claim on the part of the colonists on the New Zealand Company except that claim which the inhabitants of every colony had a right to prefer—namely, a claim for good government. The Company took the opinion as to that question of liability of their own standing counsel, who was a large shareholder in the concern; and the opinion of that gentleman turned out to be most unfavourable to the Company, and most favourable, on the other hand, to the claims of the Nelson settlers. Another opinion was thereupon taken from another gentleman unconnected with the Company; but neither to the Chancellor of the Exchequer nor to the settlers was any communication made as to the prior unfavourable opinion. That opinion was entirely suppressed; but the opinion which was immediately afterwards obtained was not only circulated among the settlers, but sent to the noble Earl then at the head of the Colonial Office, and sent in such a way as to give the noble Earl to understand that it was the opinion for which they had been waiting; and they informed the settlers that it had been taken on their behalf as well as their own, and that by that opinion they would be governed. If the first opinion had not been suppressed, he doubted whether the Chancellor of the Exchequer would have consented to the introduction of the words into the Act of 1847 which were now found in it, and by which this country became liable for any indemnification against the New Zealand Company to which the Nelson settlers should be found to be entitled. The New Zealand Company had not only consented to, but demanded, inquiry. He thought they were bound to institute that inquiry; and in the meantime he should be very sorry to express any opinion as to the result of it. In the event of the Nelson settlers succeeding in substantiating their claims, there would be an obligation under the liability which the New Zealand Company contracted to indemnify those settlers; and this indemnification is to be the appropriation of land. The difficulty was very serious, and out of which there was no practical mode of escaping except by postponing the whole question of land until the next Session of Parliament. He should be quite content to let the land question remain over for future consideratain, leaving this provision out of the Bill altogether, highly as he approved of the principle of handing over to the Colony the management of the sales of land; because he felt the full force of the practical absurdity, not to say dishonesty of the Crown now making over the whole of the lands to the Colony, whilst it was under an obligation to indemnify other parties by portions of this very land. After the best consideration he had been able to give the subject, he could come to no other conclusion than he had announced; and he would press upon their Lordships whether it would not be wise and just, and lead eventually to a more satisfactory settlement of the question, if the clauses by which a permanent and heavy debt is saddled upon this young Colony without its consent, and contrary to the remonstrances of its friends in this country, were omitted from the Bill. If, however, the alteration he had previously suggested were not made, he should still vote for the measure, with a sincere hope that it would eventually be improved—as it might be under the provisions of the Act by the Colonial Legislature—and that it would become a useful measure, and lead to the happiness and prosperity of that most important and truly interesting colony.

Earl GREY said, that before adverting to the important political questions arising out of the Bill now under their Lordships' consideration, he thought it right to notice what had fallen from the noble Duke on the clauses having reference to the claims of the New Zealand Company. He certainly regretted that it was necessary to lay upon this rising colony a charge such as that which was proposed by this Bill; but at the same time it was right that Parliament should do justice to the parties by whose exertions and personal sacrifices the colony had been created—without whom, in fact, there would have been no colony of New Zealand at all. Persons now found great fault with the New Zealand Company, and though he had never been a great admirer of that body, he must say that he thought the run now made against that Company was not less unjust and unmerited than the exaggerated credit which had been given them in the first instance. He had no doubt that the Company had been actuated throughout by the best motives; and, as evidence of their good intentions, he would remind their Lordships that the directors had sacrificed large sums of their own money in the establishment of the colony, for the repayment of which they had only the remote and distant prospect that was afforded by the arrangement proposed by this Bill. The fault to be found with the New Zealand Company was not that they had committed any of the offences which the noble Duke imputed to them—

The Duke of NEWCASTLE: No, no!

Earl GREY: The noble Duke disclaimed the intention of imputing any offence to them, but the statement of the noble Duke implied it. Their real fault was, that they had shown themselves deficient in worldly wisdom and prudence in too readily adopting for their guide a very clever projector, whose talents could not be denied, but whose cleverness was not accompanied by other qualities quite as necessary to make him a safe and trustworthy guide. They did not display that judgment that might have been expected from them in conducting the great enterprise into which they had somewhat rashly entered. Perhaps that was the necessary consequence of the constitution of such a body; for, unless some person took the lead, and became manager, he believed a Company of which the affairs were conducted by a Board of Directors without check or control was not likely to deal satisfactorily with matters of this kind. That the New Zealand Company had not succeeded was not very much to be wondered at, because the necessary expenses of founding new colonies in distant parts of the world were so great that measures of this kind would never answer as a pecuniary speculation. Schemes of this kind had always been exceedingly attractive; but from the enterprises of the early adventurers who founded some of the present United States, down to the present time, the result had invariably been the same, and however successful some of their attempts had been in creating flourishing colonies, they had uniformly proved ruinous as pecuniary speculations to the projectors. He was told that the Company with which his noble Friend (Lord Lyttelton) near him was connected (the Canterbury Settlement), had within the last few days undergone the common lot of those schemes, and was obliged to acknowledge itself insolvent. Those who had attended to such matters must be well aware that it was not one of the smallest difficulties of the Colonial Department to deal with the many proposals for the formation of new colonies. Sanguine projectors were continually putting forward schemes by which they confidently asserted that without risk or expense to the public, valuable colonies might be established. Unfortunately the performance of such promises could not be insured. Though projectors could found colonies, it was beyond their power to prevent their becoming a burden upon the country. In these days if a body of Englishmen sent out to a distant land were exposed to the danger of starvation or destruction by savages, no Government or Parliament could allow such calamities to happen, or leave the settlers to their fate because they had been sent out under an assurance that the Colony would be self-supporting. Neither could the Government allow that a band of persons should place themselves on any piece of ground they selected, and, without mercy, shoot out of their way any of the native inhabitants that might oppose them. Hence it was absolutely necessary that the Government should exercise some control over the formation of new settlements, though there were many obvious reasons why this control should not be carried further than was absolutely required. He could best explain what he thought the proper course to be taken in such cases, by stating what had been done while he had the honour of holding the office of Secretary of State. When the establishment of the Canterbury Settlement was projected, he was told that a large sum of money would be provided by the projectors, and that they were ready to undertake the scheme at their own risk; and it was urged that the mere sanction of the Government, which was all that was asked, ought not to be withheld. He agreed that it ought not to be so. He did not fail very strongly to express his opinion to the projectors: he stated, that although the plan might possibly lead ultimately to the formation of a flourishing community, the result would greatly disappoint their expectations in a pecuniary point of view; that it was quite impossible that such a measure should go on with the large price they proposed to ask for land, making promises to the purchasers which they could not perform, and that they would involve themselves in losses, liabilities, and difficulties without end. But he also stated at the same time to the projectors, that, provided nothing was done which could in any way delude the public as to the real state of the case—if proper precautions were taken, and regulations were adopted to ensure the safety of the colonists, and guard against abuse—if he were satisfied that adequate securities were provided upon these points, and against any expense being brought upon the public; he should not consider it his duty on the part of the Government to make any objection to the scheme being undertaken at their own risk by that Company. This had appeared to him the proper course to be adopted, because though he felt convinced the scheme would disappoint the expectations of the founders, and that great individual losses might be sustained, still he had no doubt that a settlement would be formed which in the end would become a great and flourishing community, destined to spread the British name and the British language through a large extent of valuable territory; and he considered it no part of the duty of the Government, if these public advantages were to be obtained, to enforce on the projectors greater prudence in regard to their own individual interests. The result, it now seemed, had been precisely what he anticipated: a settlement which would, no doubt, become a very flourishing one had been founded, but great loss had, he understood, been sustained by the projectors; but no claim on the Government, by the Canterbury Association, was likely to arise from the failure of that project, for the relations between the Association and the Government were clearly defined in the first instance: they had not been allowed to enter upon the undertaking at all until they had satisfied the Government that the public interests at stake had been provided for; and care had been taken that when they were allowed to proceed, no difficulty should be thrown in their way, so that they had not any grounds for saying that their failure—if failure it be—was in any way attributable to the conduct of Government or of Parliament, and therefore were entitled to ask for no pecuniary relief. If the same course had been taken with respect to the New Zealand Company, and it were in the same position, the same remark would be applicable to them; but the circumstances were different, because in the first instance that Company had been permitted to enter upon its undertaking without the sanction of the Government, and without proper securities having been provided, and because afterwards having been permitted to send out the first settlers in a very irregular manner, their operations had been thwarted by the Government. Partly by measures adopted by the local authorities, partly by measures adopted by the Government at home, the Company was prevented from having such a chance of success as they otherwise would have had —a fact that was clearly shown by the investigation of the Committee to whom the question had been referred. These circumstances were held to give a claim to the New Zealand Company, and though the project might have failed if they had never occurred, they undoubtedly left the projectors without the chance of success to which they were entitled, and it clearly appeared to him that it was the duty of Government and of Parliament to place them in the situation they would have been in if they had no such grounds of complaint. The noble Earl opposite (the Earl of Derby), when Secretary of State for the Colonies, felt these claims so much, that before he left office he had made arrangements for in some degree assisting the New Zealand Company by means of a loan of money. When he (Earl Grey) came into office, he found the Company complaining that what had been done for them was very far from making up for the injury they had sustained by previous measures, and by the great delay they experienced in getting possession of the land. He felt that there was force in that complaint; that they were entitled to some further compensation, and that something more should be done to enable them to try fairly the scheme to carry out which they were originally formed. Accordingly, the Government having settled what was the largest amount of money that Parliament should be recommended to advance, the matter was placed in the hands of his lamented friend the late Mr. Charles Buller, to consider what was the best arrangement, under existing circumstances, to enable the Company, with such assistance, fairly and fully to try whether their scheme was one capable of being successfully worked. A plan was accordingly prepared with great care by Mr. Buller, to whom, in concert with the New Zealand Company, it was entirely left to make what in his judgment was the best arrangement, subject only to two conditions, on which he (Earl Grey) specially guarded himself, namely, that the pecuniary assistance should not exceed a certain sum, and that the arrangement was to be a conclusive measure, and a discharge in full of all possible claims on the part of the New Zealand Company, whether it should succeed or fail. After much consideration, Mr. Charles Buller prepared the drafts of letters between the Colonial Office and the Directors of the Company, in which were embodied the terms of the arrangement he proposed. These terms were assented to by the Government and the Company: the letters on both sides were written from Mr. Buller's drafts. The Bill of 1847 was prepared to carry into effect the arrangement, and ultimately it received the assent of Parliament. Such had been the circumstances under which the grant of additional aid, and of very large powers to the New Zealand Company, had been recommended by the late Government, and sanctioned by Parliament. With regard to the manner in which the arrangement thus sanctioned had been carried into effect, it had appeared to him that there was one clear rule to be followed, namely, that the Company should receive every possible support from the Government in working out the plan; and, it being part of the arrangement that a Commissioner should be appointed by the Government to watch over the proceedings of the Company, his (Earl Grey's) instructions to that Commissioner were not to interfere further than was necessary for the strict protection of the public interests, and for the purpose of seeing that the British Treasury and the colony were not involved in larger or heavier liabilities than intended when the Act passed. The Commissioner was directed by no means to exercise the power he possessed of putting a veto on any act of the Company, in every case in which their measures might appear to him injudicious; the principle of the Act of Parliament was to invest the Company with the power and the responsibility of conducting a great experiment in colonisation; and the only way in which this experiment could be fairly tried was to leave them free and unfettered to act upon their own judgment except in cases in which interference was clearly necessary for the protection of the public interest. At the end of the period named by the Company as that in which the experiment might be fairly tried, they found that, notwithstanding the large pecuniary assistance they had received, they could not go on; and they claimed, under the terms agreed on, to be relieved from the debt due to the Government, and they claimed also a certain sum to be obtained from the sale of lands in New Zealand. He was astonished to hear the noble Duke draw a distinction between the legal and moral right of the New Zealand Company to the ultimate payment of the money due to them and charged on the land fund, and deny their moral claim to more than they could obtain under a strict technical construction of the Act of Parliament. It seemed to him that whatever might be the strict construction of the Act of Parliament, the Government and Parliament, in dealing with the Company, were bound to act in the same manner as one honourable man would deal with another in a transaction in private affairs, and ought to carry fairly into effect the obvious intention of the agreement. Looking at the subject in this light, he thought it was impossible to say that the New Zealand Company had no claim whatever. Their Lordships should recollect that the whole capital of the New Zealand Company had been applied in creating this colony, and giving value to those lands the sale of which was to produce the fund which they calculated upon for the ultimate repayment of those advances; and he repeated that that was a claim which they could not honourably decline to recognise. It was true that the Act of Parliament pointed out no specific portion of the lands that was to be applied for the support of emigration, and therefore under the letter of the law the Crown might no doubt apply so large a proportion of the fund to emigration that the claim of the Company would be practically defeated; but this would be inconsistent with good faith; the proportion of the proceeds of the land sales applied to emigration had been left undetermined, and it was considered that it was the interest both of the Company and of the colony, if the debt was ultimately to be paid, so to divide the whole receipts between the promotion of emigration and the payment of the Company as to leave as large a sum as possible for the former without neglecting the latter object, because by that means the demand for land would be increased, and the debt of the Company would be thereby extinguished. The Act of Parliament contemplated, obviously, the ultimate payment of the debt; and it was the interest of the Company and of Parliament that it should be discharged as speedily as possible, by the best possible administration of the lands. The noble Duke said the Company asked for inquiry, and that, pending that inquiry, Parliament ought not to deal with the subject. If by passing the Bill now before the House without the clauses relating to the Company, their position would be unaltered, he should concur in the opinion that Parliament had better not at present deal with this part of the question; but as it was clear that to pass this Bill, omitting the clauses, would alter the position of the Company greatly to their injury, he thought the clauses ought to be retained, though he entirely agreed that inquiry into this matter was right and proper, and he trusted that in another Session the House of Commons would institute a searching investigation respecting it. It was his desire that the inquiry should be conducted on the strictest principles—that every letter, public and private, in connexion with the case, should be laid before the Committee, so that the subject should be fairly investigated and reported on by a competent and impartial tribunal. Although he was far from being prepared to defend all the proceedings of the Company, for he would admit that they had frequently acted with imprudence, still he was happy to be able to state that, having investigated the entire case, he had come to the conclusion at which he anticipated the Committee also would arrive—that there had been throughout all these complicated transactions nothing to reflect on the honour, the probity, or the good faith of the gentlemen who had conducted the affairs of the Company. If there were to be an inquiry, it would be inexpedient to enter prematurely into a review of the entire question, in order to convince their Lordships that there was no ground for the charges that had been brought against the Company. Indeed it would be impossible to do so without having the papers before them which were not yet on their Lordships' table. But without going into the whole case, there were two charges brought against the Company of so serious a nature, and which had been stated with so much confidence, that he must make some observations upon them, especially as an endeavour was made to implicate him in them. These charges related first to an alleged misappropriation of the public funds; and, secondly, to the sending out of certain legal opinions. Now, he must say with regard to the first that no misapplication of public money could possibly have taken place without the sanction of one or other of the gentlemen who had in succession held the office of the Crown Commissioner; and he had such perfect confidence in both those gentlemen that he was no less convinced that no money could have been misapplied from the sums appropriated with their sanction, than he should have been had he been personally cognisant of the manner in which every shilling had been expended. The First Commissioner had become involved in disputes with the Company, which ended in his removal; and it was absurd to suppose that he could have allowed them to misappropriate the public money. He was succeeded by a gentleman in whose honour he (Earl Grey) felt no less confidence than in that of Mr. Cowell; while he had greater reliance on his judgment, his discretion, and his temper. The instructions he had given to these gentlemen were, that they should not interfere in the application of public money except in cases of abuse; and that he believed to have been the right and proper mode of carrying into effect the arrangement sanctioned by Parliament, for the reason he had already explained. The second charge was, that the New Zealand Company having in a question between themselves and a body of their settlers, obtained two opinions from eminent counsel, one adverse and the other in favour of their own view of the subject, had transmitted the latter, as if it were the only one, to the Colony, and had thus unfairly obtained the assent of the settlers to an arrangement unfavourable to them. Now it would be manifestly absurd were he to enter into the entire history of the complicated transactions to which those opinions related; but he would merely say that in 1849 papers were laid before Parliament, were given to the world, and were sent to the Colonies, in which there was a despatch mentioning the fact that an opinion adverse to the Company had been given by an eminent counsel. It was therefore evident that the circumstance of an opinion of that sort having been given had been known to all the world for three years, and yet during that time no attempt had been made to unsettle the arrangement made, and now insinuated to have been unduly influenced by the withholding of that opinion. The question raised was, whether the settlement between the New Zealand Company and the Nelson settlers was a fair one, and he believed it was a most advantageous conclusion of affairs for the settlers; and as the existence of the opinion had been publicly known for three years, he said, Let the investigation take place by all means; let it be conducted on the most rigorous principles, but in the meantime let the bargain be adhered to, and in justice to the Company let the arrangements suggested by Her Majesty's Government be sanctioned by their Lordships. He would ask what had rendered the land of New Zealand more valuable than the land in New Guinea or other countries uninhabited by civilised men. It was because the Government, Parliament, and the New Zealand Company, had expended large sums in establishing settlers in the former—it was this, and this only, which had given value to the land there; and therefore it was not unreasonable to say that the Company, having received no return for its expenditure during many years (and it was probable it would receive nothing for many more), should have a claim on the land of which the value had been thus enhanced by their means. He thought, however, that a clause should be inserted in the Bill, that any future claims under the Act of 1847 should be defrayed out of the colonial funds by the Government of New Zealand, and that none should be in future paid by the Imperial Government. These claims should no longer be on the British Treasury and nation. He was sorry that he had to trespass thus far on their Lordships on this preliminary portion of the subject; but, feeling that not merely the pecuniary but higher interests of individuals were at stake, and having been cognisant of all the complicated transactions connected with the case, he had felt it was proper to make the statement he had made to their Lordships. And having entered so fully into this part of the subject, he would now address himself to the larger and the more important question. His noble Friend who spoke second in the debate (Lord Lyttelton) had entered into questions so extensive that to discuss them properly would require a volume rather than a speech. He would not attempt to follow his noble Friend through his speech, but he must say he thought his noble Friend had not read history very correctly. His noble Friend had said that the old British Colonies in America, now the United States, had an unreserved power over their land, legislation, war, and trade. [Lord LYTTELTON: By their charter.] A nice distinction! but had the noble Lord considered what he meant when he said they had unrestricted trade? Why, he would remind his noble Friend that there were enactments similar in their nature to the navigation laws before the time of Oliver

Cromwell; and that was a subject of constant dispute with the colonists. Instead of their having unrestricted trade, the whole notion of European politicians was that plantations were to be established for the sole purpose of carrying on with them a restricted and exclusive trade. That was the notion of France, it was the notion of England, and it was shared by all the nations of Europe. And so with respect to the land. Had his noble Friend not seen the accounts of those disputes which arose in the early days of the New England colonists, and in the course of which one of the complaints made was, that colonial land was held to be so strictly Crown land, that the colonists were not able to cut a single tree in their boundless forests, because the trees were to be kept for the British Navy? The noble Lord had said that the colonists in early days had the power of making war. He doubted whether it was intended in those times that they should have any such power; but undoubtedly they exercised the power of making war on the natives, and, if he was not mistaken, sometimes against each other. Matters in those days were carried on in a very haphazard way, and events which, if they now took place, would fill the columns of public newspapers for a month—no, he would not say for a month, but for five years—were then passed over unnoticed. With respect to colonial legislation, it was quite true that there was no Secretary for the Colonies in those days, but there was a certain Board of Trade and Plantations; and at a very early period indeed it was found necessary to invest that Board with power to disallow the acts of colonial legislatures. From the time of Charles II. downwards, that power had been exercised. With regard to the Bill before them, it was of course impossible that he should do otherwise than approve of it, since it was in general accordance with the heads of the measure which had been prepared under his own superintendence before he retired from office, and which was founded chiefly on the recommendations of the Governor; but there were three or four provisions of the Bill on which he felt it right to offer some observations. He objected to the alteration in the constitution of the provincial council as described by the noble Earl opposite (Earl Desart); but he thought there was no ground for the fault which had been found with the distribution of the legislative power between these bodies and the general Legislature on the ground of the complexity of the arrangement. Complex it undoubtedly was, but this seemed to him inevitable. It was impracticable, and must for many years continue to be so, for any general Legislature to meet all the wants of so many separate settlements at a great distance from each other; hence it seemed absolutely necessary to constitute provincial Legislatures on which a great portion of the public business must devolve; but still he was of opinion that though it would be impossible that the general Legislature should assemble often enough to meet the wants of the community, it was absolutely necessary that provisions should be made for its assembling when emergency required it should do so. There were some subjects on which extreme inconvenience must arise if uniformity of legislation among the several provinces were not insured, which could only be accomplished by creating a general Legislature. For instance, with respect to the customs duties, if a general tariff did not exist, but different rates of duty were levied in different provinces, and it became necessary in consequence to have internal lines of custom-house officers, how much the prosperity of all would be injured! This inconvenience was felt, and there was a disposition to engage in an absurd war of tariffs in the Australian Colonies. The danger which had been alleged of a conflict of authority would not arise because the Government had followed the course he had proposed to take by giving to the general Legislature an overriding authority. It was incorrect to speak of the authority of the two kinds of legislatures as concurrent; it was not concurrent. The general Legislature could, when it chose, exercise a supreme authority over the provincial Legislatures. He greatly regretted that the power of the Crown to disallow acts of the Provincial Legislatures had been abandoned. He had no doubt that it was a power of which the exercise would very rarely have been required; but still he thought these bodies were by no means so completely of a municipal character that the power ought to have been abandoned; and, besides, he must point out to the noble Lord, that though it was true the Crown possessed no power of disallowing by-laws of the City of London, the power of the City to make such laws was very restricted; and in the reformed municipalities constituted in other towns under the Act of 1835, the Crown was invested with the power of disallowing their by-laws. But the great objection to this part of the Bill was, that it abandoned a very important principle. With respect to the veto of the Crown, his notion always had been, that, for the sake of the Colonies themselves, the Crown ought to preserve that power which from the days of Charles it had been found necessary to assert—he meant the power of the Crown, if it disapproved an Act of the Colonial Government, to disallow that colonial law. The ablest Governor might commit mistakes. Acts might be passed which very seriously affected the interests and honour of the Empire; and if the attempt were made to define beforehand, with the strict accuracy necessary in an Act of Parliament, what were the questions on which the Crown should possess those powers, and what were the questions on which it should not, there was danger of giving rise to a conflict of jurisdiction; whereas if the Crown possessed the power in all cases, and exercised it with discretion, it would easily avoid causing it to be felt as any practical hardship or grievance; but by limiting the power of the Crown they would create a serious risk of a conflict of authorities. A conflict of authorities, it was known, might occur in the United States; but there a well-contrived machinery existed for the purpose of bringing those points to a speedy conclusion by means of the Supreme Court. There was no analogous court in this country; and, from the distance of the Colonies, it would be impossible to work such a tribunal. So long as the Crown retained the general power of disallowing colonial laws, a remedy was provided for the case of a law being passed by one colony unjustly affecting another (by no means an impossible event), since the injured colony had the power of petitioning Her Majesty in Council, and if proper grounds for doing so were shown, the law could be disallowed. But while there were these reasons for retaining it, what, he asked, was the practical inconvenience arising from the power of disallowing colonial acts on the part of the Crown? It was so well known that the Imperial Government would not interfere without good cause, that there could be no want of confidence in the discretion with which that power would be exercised. It ought also to be observed that in the rare cases where disallowance took place, the disallowance vitiated no acts done under the measures disallowed previously to its notification. An objection had been stated to a period of two years for disallowance; but cases had often occurred in which defects had been found in Colonial Acts, and amendments had been suggested from home, which the Colonial Legislatures were glad to have the opportunity of adopting before the Acts were finally confirmed. Now, in the case of so distant a colony as New Zealand, there would be no opportunity for any communications of this kind with respect to a doubtful Act, if the time within which the decision of the Crown must necessarily be pronounced were much shorter than that to which the noble Duke (the Duke of Newcastle) had objected as unnecessarily long, namely, two years; and the noble Duke ought also to recollect, that, although in such peculiar cases the Crown might take two years to signify its decision on a Colonial Act, yet, in the very great majority of cases—at least in ninety-nine out of a hundred—that decision was intimated to the Colonial Legislatures in a much shorter time; and if their Acts did not meet with the sanction of the Home Government, nothing done under those Acts, as he had already observed, was vitiated by subsequent disallowance. He considered that to make the office of Superintendent elective, was a great mistake. Those officers would exercise an authority analogous to that exercised by sheriffs in this country, who, in the days of the Norman Kings, were endowed with great powers. So far as he was aware, it had hitherto been the invariable rule under the British Constitution that executive authority must emanate from the Crown, and that all high offices giving such authority should be held by persons appointed directly or indirectly by the Crown; and he held it to be of vital importance that the Governor of the colony, as the representative of the Crown, should exercise a substantial control over the chief local authorities in the several Provinces; but if the superintendents were to be elective, he did not see what practical means the Governor would possess of exercising any real authority in the provinces. At present, it must be remembered, that in all colonies the Governor had the authority to suspend, till Her Majesty's pleasure was known, any of the officers acting under him who failed in due obedience to his orders; and in a distant colony, without this authority, a Governor would be practically powerless; but when the superintendents became elective, they must, of course, cease to be removable, or capable of being suspended; and the Governor's control over them must therefore, he feared, be weakened, if not destroyed. He came next to the question of the constitution of the general Legislative Council, and he concurred a good deal in the opinion expressed on that side of the House with regard to it. He was prepared to say, from the experience of more than twenty years during which he had closely attended to the affairs of the Colonies, both in and out of office, that by far the most defective part of the colonial constitution in the North American Colonies was the Legislative Council. By the old form of colonial constitutions which had prevailed up to 1791, the Legislative Council was put not upon the footing of a second and independent chamber of the Legislature: it was the same body which advised the Governor, consisting of a very small number of persons for the most part holding high offices in the Colonial Government. To this day, in Jamaica, the Council was styled Her Majesty's Privy Council for Jamaica, and claimed no power of originating measures of legislation: not merely Money Bills, but Bills of any kind, it was beyond its power to originate. It merely had the power of amending or rejecting Bills sent from the Assembly; and was clearly in the first instance merely intended to assist the Governor, and relieve him from a too onerous responsibility in deciding without assistance on Bills sent up by the Assembly. The tenure of their office by Legislative Councillors was always formerly during the pleasure of the Crown; but by the Act of 1791, the Legislative Councillors in Canada were appointed for life. The noble Duke had most justly remarked on the perfect absurdity of talking of an elective Legislative Council as an imitation of that House. It had not the most distant or the most faint resemblance to the House of Lords. The House of Lords was an institution altogether peculiar to this country, that Parliament could no more create than it could create a full-grown oak. It had grown up as part of our institutions from the earliest times, and was like no other body in any country in the world, and no imitation of which had ever been in the slightest degree successful. But it was intended by the Canada Act of 1791 to create a body like their Lordships' House, because there were the clauses making provision for creating hereditary honours in Canada. That Bill was brought in, not with the intention of creating a small council of nominees sitting for life—a body of oligarchs independent of Crown or people, though possessing no substantial weight or authority of their own in the country—but with the intention of forming an exact copy of their Lordships' House, namely, a body of persons holding seats by hereditary succession—a real and *bonâ fide* aristocracy. But the nature of things was too strong for Mr. Pitt; and the Act of 1791, and the clauses which Mr. Pitt introduced, remained from that day to this a dead letter. No hereditary honours had been granted in Canada, and the Legislative Council was a body of mere nominees. That system, as far as his opinion went, was not satisfactory, because he thought if the Legislative Councils were to play a more important part than was contemplated by the old Colonial constitutions, in order to be really useful they ought to possess a degree of weight and authority, and a command of public opinion, which they had had never yet succeeded in acquiring. The Legislative Councils had formerly been known chiefly from the opposition they had offered to the popular branch of the Legislature and to public opinion; and it had been necessary more than once in different colonies to alter the feeling and temper of those bodies by a large addition of members. It appeared to him, besides, that this kind of Legislative Council was, as he had said before, a sort of oligarchy, and consisted of persons not possessing sufficient weight to justify Parliament in giving them the power of interfering to stop legislation. How would this Bill have worked if it had been passed in the shape in which it was originally proposed? It was first proposed that the General Legislative Council should be nominated for life, and limited to fifteen; the effect of which would have been that if there had been any mistake in the first nomination, so small a number as eight individuals agreeing among themselves might stop any legislation, however useful or however necessary, and upon which both the representatives of the Crown and the representatives of the people were agreed. That vexatious and mischievous consequence was now to a certain degree mitigated by the power of the Crown to increase the number by nominating additional members to the Legislative Council. He thought, besides, that there was danger of great inconvenience in withdrawing men who were useful in the

Assembly, in order to give weight, which they could not succeed in giving, to the Legislative Council; and he must say that he altogether differed from the noble Lord who spoke early in the debate (Lord Lyttelton), that if there were to be nominees, they had better sit singly than mixed with the elected body; he thought, on the contrary, that a certain number of nominees might very usefully sit in a Legislative Council constituted like that of New South Wales; but that, sitting as a separate body, they would not have the weight they ought to have. He therefore conceived that the Government had made a great mistake in excluding nominees from the Provincial Legislatures, which would thus consist of a single and entirely elective body; and in retaining the principle of nomination in the General Legislature, which was to be divided into two chambers, and in which, therefore, this counterpoise to the democratic element was less necessary. He greatly regretted that the plan of making the second Chamber in the General Legislature consist of members elected by the Provincial Legislatures had been abandoned. There was only one more point to which it was necessary to advert—the appropriation of the land fund made by this Bill, as to which it had been suggested that the same change ought to be made in other colonies. He had more than once expressed his opinion that Parliament, as a general rule, should keep to itself the duty of laying down great general rules to be observed in disposing of the waste lands of the Crown in the more important colonies. The noble Lord talked of its being a novelty to allow the colony to deal with the waste lands; but it was really no novelty at all. Canada, Nova Scotia, and New Brunswick had been allowed to regulate this matter by means of the Colonial Legislatures; and in the West India Colonies the same rule prevailed. He thought that in New Zealand there were strong reasons why the power of regulating the disposal of waste lands should be exercised by the Colonial Legislature; because, from the complicated system created by the New Zealand Company in the several settlements, and from the law officers of the Crown having declared that what were called the terms of purchase issued by the New Zealand Company were contracts binding on the Crown, and depriving it of the power of altering the arrangements for the future sale of land thus agreed upon, it was almost indispensably necessary that some legislative authority should exist on the spot capable of remedying the inconvenience which might otherwise exist, from the impossibility of varying arrangements of this description. But it seemed to him desirable that this power should rest with the individual Provinces rather than with the General Legislature. This great hardship might otherwise arise to a particular province: Canterbury might wish to reduce the price of lands in that settlement from 3*l.* an acre to the price in the other settlements; but Auckland, Wellington, and the other settlements might object, thinking by keeping up the price of land in Canterbury to 3*l.* an acre, to secure a monopoly of the sales of land, and calculating that the wealthy settlers would prefer going to where land was to be purchased at 1*l.* an acre, rather than where it could only be purchased at 3*l.* an acre. He thought it was of still greater importance that the produce of the waste lands should be appropriated, by local authority, in each province in which it accrued, instead of by the General Legislature. The principle on which he urged this had been recognised as sound by the Governor of New Zealand, who had lately passed a provincial ordinance, by which a portion of the produce of the sale of land was to be applied to local purposes; and he had thereby adopted a suggestion made by himself (Earl Grey), or rather by the Committee of Privy Council on the Constitution of the Australian Colonies, that a moiety of the proceeds of the sale of the Crown lands should be applied by the local municipalities to local purposes. The Governor of New Zealand stated that such a system was calculated to work well, as it would give the inhabitants of the district a strong interest to uphold the rights of the Crown. It was embodied in an ordinance which was sent home. Unfortunately that ordinance clashed with the statutory rights of the New Zealand Company, secured by the Act of 1847; and although he (Earl Grey) entirely approved of that Act, and felt the principle to be quite right and most advantageous, he was most reluctantly compelled to advise Her Majesty to disallow it. By this Bill the proceeds of the sale of lands was placed at the disposal, not of the municipalities or Provincial Legislatures, but of the General Legislature; and that was a system which, in his opinion, was likely to lead to much jobbing and much abuse. Money derived from the sale of land was necessarily paid by the settlers farthest from the capital, who purchased lands in the more remote districts, where alone, in general, much remained at the disposal of the Crown. The price of such lands ought, in justice to be laid out principally with a view to the interest of the purchasers. But in the General Legislature they would always be comparatively without influence; and there was great danger that their fair claims would be disregarded in the appropriation of the fund if left to that body. This was not mere speculation; there had lately been a striking instance of the tendency to abuse of this sort in South Australia, where a proposed application by the Lieutenant Governor of a part of the territorial revenue to the improvement of a harbour, and the establishment of a communication between this harbour and the river Murray by a railway, had received the determined resistance of the Legislative Council. The proposed improvement was one of the most important kind: the river Murray, as their Lordships were aware, had no natural communication with the sea; but by having a communication of this kind, the colony would give the advantage of many hundred miles of internal navigation, in which steam was intended to be used; and the produce of an immense extent of territory would thus be given the means of reaching a market. There could be no doubt that the outlay for this object from the land revenue would be repaid many times over by the increased value given to the lands thus opened out to enterprise; yet the expenditure was opposed (without success, as the fund from which it was to be met was not at the disposal of the Legislature) entirely from a feeling of petty jealousy, on the part of the inhabitants of Adelaide, of the establishment of a rival port. He mentioned that circumstance as affording the clearest proofs in support of his argument that the appropriation of the land fund ought to be given, not to the General Legislature, but to the municipalities; and if the municipalities were not created, or until they were created, then to the Provincial Legislatures, or to the Crown. He was quite aware that his had been a most tedious speech; but he would only conclude by saying that he most entirely concurred in those observations which fell from his noble Friend (Lord Wodehouse) behind him at the close of his very able speech. He, like his noble Friend, regarded this as a most important crisis in our colonial empire, and agreed that much depended on the course we were now pursuing. He concurred with him, that our Colonies were now many of them growing up to manhood, and it became necessary to pursue a different policy towards them from that which was right and advisable in the earlier stages of their social progress. In this he cordially concurred with his noble Friend; but he differed from him as to the manner in which these views ought to be acted on. It was not, in his opinion, necessary in order to give to the colonies which had arrived at such a stage in their progress as to require it, the largest power of managing their own affairs, to depart from the old established system of the country, or to surrender any of the constitutional powers hitherto held by the Crown. All that the colonies could properly ask, and all that was required in order to give them the fullest enjoyment of the same constitutional freedom as ourselves, could be secured to them by a judicious and careful exercise of those powers which the Crown possessed. From the best reflection he had been able to give to this subject, he was convinced that those powers and their limits had gradually been determined and defined by usage in the course of a long series of years, and that a system had thus grown up well suited to the position of our Colonies, to their circumstances, and to the nature of the people: it was a system which, judiciously and discreetly worked, enabled the Colonies to enjoy all that was really substantial and useful to them, in what was called self-government, though it retained on the part of the Crown an authority seldom and cautiously exerted, but undisputed and capable of being called into play when imperial interests demanded it. He was happy to think that experience had proved that this theory of colonial government was not altogether mistaken or fallacious. He would, for example, direct their Lordships' attention to the present state of the North American Colonies. Let them look at the large population they now psssessed, at the system of government they now enjoyed, at the content which prevailed, and at the satisfactory working of that system of government which had been arrived at. It would always be to him a subject of rejoicing, and he might say of some degree of pride, that on quitting office those great possessions of the British Empire were left in the position which they now occupied. In 1846 a very different state of things prevailed, and difficulties of no ordinary character had to be surmounted. Up to 1846 in no one of those colonies had that system of government which was now established been brought into successful and harmonious operation. In every one of them, up to that period, there were great points in dispute; there were great difficulties perpetually arising, even with the ablest Governors. He might mention that even in Canada, the most important of these Colonies, the two races of inhabitants were divided; there was no general concurrence or agreement as to the principles of government to be established; and even that most able, that most excellent, and, he might say, that great man, the late Lord Metcalfe—as the noble Earl well knew, by a confidential correspondence which he could not have forgotten—even that great man experienced the greatest doubt and the greatest apprehension as to the future working of the system of government which had been established. In Nova Scotia, New Brunswick, and Prince Edward's Island, that system of government could hardly be said at that time to have been brought into operation at all. It had now been brought into most complete and satisfactory operation, and that, too, in spite of commercial changes which in the first instance necessarily excited great alarm, and by previous mistakes of this country produced extensive private distress and ruin; and he need not tell their Lordships individual distress always produced political discontent and political excitement. Notwithstanding all those circumstances, and notwithstanding that encouragement was given on this side of the water to those of the colonists who were from time to time discontented with the measures of the local Government they had now in Canada, the spectacle of a united people, French and English, acting harmoniously together, the great principles of constitutional government fully recognised, the Government of the mother country looked up to with affection and with esteem; and so much so that the cry of annexation which a short time ago existed, had absolutely disappeared, and no longer was there a trace of it to be found. They saw Canada making a more rapid progress in wealth, population, and all the elements of greatness than any of its neighbouring States, whilst the system of its government safely challenged comparison, as being, in his opinion, infinitely more favourable to real freedom, real happiness, and real social advancement, than that of any of the adjacent States. He could not help recommending their Lordships to read a very interesting work which had recently been published by a friend of his, Mr. Tremenheere, and which contained some valuable information as to the present state of Canada. To show the improvement which had taken place in the credit of the Colony, he might mention that in 1846, at the commencement of Lord John Russell's Administration, one of the officers of the Executive Council of Canada found it impossible to dispose of the Six per Cent Canadian Bonds in this country, except at a heavy discount; whereas he was informed that by the last accounts the same bonds were now at a premium of more than fifteen per cent. This one fact was an indication of the improvement of the credit of the colony. In Nova Scotia and New Brunswick a similar state of things existed, and in those colonies this change had been effected, without, as he believed, any undue pressure upon individuals—all fair claims of persons who had accepted offices in the expectation that they would be permanent, having been provided for. Now, he might remind those noble Lords, and those Members of the other House, who were advocates of what was called colonial reform, that so far as the legal powers of the Crown were concerned, the Crown possessed in Canada and in North America all that authority which they conceived to be so objectionable and oppressive. It followed, that he had not been wrong in saying, that in order to place the government of the Colonies on a satisfactory footing, there was no occasion to alter a system which had been 200 years in force — to remove the established landmarks which defined the limits of the various powers of the State—or to surrender any part of the constitutional authority which the Crown for that length of time had possessed; but that all that was requisite was to exercise with judgment and discretion the authority which he believed it was necessary for the safety and permanence of our Empire that the Crown should maintain. He would not offer any opposition to the Bill. Indeed, he believed that upon the whole it would have a very beneficial effect, and that its postponement for another year would be very disadvantageous to New Zealand.

Lord LYTTELTON, in explanation, hoped that the distinction would be carefully preserved between the Canterbury Colony and the Canterbury Association. That the latter at home had from some miscalculations been placed in circumstances of difficulty, they were not concerned to deny; but it was not true that it was likely to be bankrupt or permanently insolvent. With regard to the Canterbury Colony, it was not fair to say that it would in time be a flourishing settlement, for it was already a flourishing settlement, and it had arrived at a pitch of prosperity that no other colony had done in the same time. He trusted, too, that the Association would not be confounded with similar companies, for its members had no pecuniary interest in it whatever; and it was not true that they had been involved in any manner, or that their expectations had been disappointed. The affairs of the Association were a very long and complicated matter to understand; but if the investigation which had been spoken of should take place next Session, the Association would be extremely glad to submit to the inquiry.

The Duke of NEWCASTLE explained. The noble Earl had misrepresented what he had stated in several points. It was only worth while to correct him upon two. He had made no attack upon the New Zealand Company; and as to setting aside the moral claims of that Company, he was only answering what had been said out of that House. The Bill did not place the New Zealand Company in a more advantageous position than they stood at the present moment. They stood in the same position as they stood in 1847. Neither did he maintain that the New Zealand Company ought to be deprived of the power which it possessed on account of charges brought against them. He said exactly the reverse.

Lord WROTTESLEY said, that the conduct of a friend of his, Mr. Powell, had been impugned by implication. That gentleman stood high in the estimation of all who knew him as a man of great ability and of high character.

On Question, *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Friday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, June 22, 1852.

Minutes.] Public Bills.—2° Colonial Bishops. 3° Militia Ballots Suspension; Militia Pay; Consolidation Fund (Appropriation); Nisi Prius Officers; Common Law Procedure; Master in Chancery Abolition.

MILITIA PAY BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Colonel SIBTHORP said, he had supported the Militia Bill because he believed the enrolment of the militia was necessary for the proper defence of the country, but he was very much disappointed at the manner in which this important measure was proposed to be carried out. The right hon. Secretary at War had issued a circular with regard to the Chelsea Pensioners and the militia which, in his opinion, was highly objectionable. The militia, if he understood the circular rightly, were to be drilled by pensioners, and not in battalions by field officers, but in squads; and he had no hesitation in stating that if that arrangement were carried out, the militia would be found to be a very inefficient body. The experiment, he was convinced, would disappoint the country, and he had therefore felt it to be his duty to warn the Government of the error they were falling into.

Sir De LACY EVANS said, he begged to ask what was the intention of the Government with regard to the policy of allowing the formation of voluntary rifle corps? The time had arrived when the public ought to know what were the reasons why the Government refused to accept the offers which had been made for the voluntary formation of such corps. An opinion had been thrown out, that as the persons making the offer belonged to the middle orders of society, the Government did not like to trust arms in their hands; but that he did not for a moment believe. He would take that opportunity of putting a question to the right hon. the Secretary at War. It appeared to be the intention to attach a portion of the militia force to the artillery. He hoped, in that case, means would be adopted to give the men a more able tuition than was usually given. Though he did not approve of the Militia Bill, still, as the country was to have it, he was anxious that the force should be made as efficient as possible. With regard to the accoutrements and arms of the men, he hoped such alterations would be made in them as the experience of medical and scientific men had of late years suggested and recommended.

Mr. BERESFORD said, that this was not exactly the time for making the observations which the hon. and gallant Member had offered to the House, as the Bill now before the House was merely the Annual Bill for the payment of the staff for the militia, and quite distinct from the Militia Bill. But he should be sorry, however, to pass by in silence the points adverted to by the hon. and gallant Member. It was quite true that it was proposed to take 3,000 of the men to be raised under the Militia Act to be trained to artillery practice, and these would have a trifle extra pay for their services. This portion of the force would be sent to the artillery to be instructed with them and by their officers, by which the expense of drilling by separate officers would be saved. He expected that in a very short time, under such instructions, the men would be so far efficient as to be able to perform the secondary duties of artillerymen. With regard to the clothing of the men, the Master General of the Ordnance would provide it. Patterns had already been considered. With regard to the arms, should the militia be embodied, the Government would endeavour to give them a better description of musket than was formerly used.

Mr. WALPOLE said, in reply to the question respecting the acceptance of the offers made to form rifle corps, he could assure the hon. and gallant Member (Sir De L. Evans) it was not from any feeling of distrust of the middle classes that the Government had declined those offers. On the contrary, if any necessity for such volunteer corps arose, the Government would not only not refuse any such offers, but would accept them with gratitude. As to the question whether the Government was now prepared to sanction the voluntary system, it should be remembered that the Government had to get the militia in the first instance by voluntary enlistment, and, should that fail them, they would have to resort to the compulsory method of the ballot. Now, what would be the effect of having a voluntary enlisting militia in the first instance, and also accepting the services of voluntary corps, if, after all, you should be obliged to have recourse to the ballot? It must be quite obvious that you would be taking away many men who would be liable to the ballot; and in that case you would be making the ballot operate with greater severity upon the remaining portion of the community who would be liable to that compulsory proceeding. It was therefore as a matter of prudence and precaution that the Government were not willing to sanction the formation of these volunteer corps at the present moment, when there was no immediate necessity for them.

Bill read 3°, and *passed.*

THE COLONIES—JAMAICA—NEW SOUTH WALES.

Mr. BERNAL said, he wished to put a question to the right hon. Secretary for the Colonies in reference to letters which he (Mr. Bernal) had just received from Jamaica, dated May 23, stating that the smallpox was raging in that island, and that the ravage among the labouring popluation was frightful. The question he wished to put was whether the Colonial Office had had time to turn their attention to the point of affording assistance to the Colony in the way of supplying labour, and whether there was any chance in a short time of applying means for the furtherance of that object?

Sir JOHN PAKINGTON, in reply, stated that the question was similar to that which had been put on a former occasion. It appeared that attention had been freshly drawn by the arrival of a new mail. He was aware of the arrival of the mail that morning, but had not yet seen the papers which it had brought. But it was quite impossible for any fresh papers to have arrived which could strengthen his conviction of the painful distress under which the Colony was labouring. And, when his hon. Friend asked him whether he could hold out any hopes of assistance being rendered to the Colony, he (Sir J. Pakington) must say that it was his duty to be cautious how he raised hopes which it might not be in his power to fulfil. He could not, therefore, add anything to the answer which he had already given, that he would lose no time in devoting his serious and anxious attention to the subject, to see whether there were any means in existence by which the supply of labour and the pressure of the labour laws could be relaxed in favour of the West Indies. Since the question was before the House, on a former occasion, he had been prevented by the pressure of Parliamentary business, night and day, from paying that attention to the question which he desired.

MR. HUME said, he begged to call the attention of the right hon. Gentleman (Sir J. Pakington) to the petition which had been presented from the Legislative Council of New South Wales. It was a protest and a remonstrance on the part of the former Legislative Council against the conduct of the British Government towards that Colony. That protest was afterwards adopted by the new Legislative Council. As to the facts stated in it, he (Mr. Hume) could bear witness to their accuracy; and he would exhort the Government not to let the experience of former days pass by. Let them recollect the population of that Colony, and yield to their reasonable requests. They asked no more. If nothing should be done by the Government before the new Parliament, he should, if he had a seat in that House, feel it his duty to bring the matter forward early in the Session. The second subject which he wished to make some observations upon, was relative to the state of the Ionian Islands. All he had now to say upon that subject was, that every act of which we complained of Louis Napoleon towards the French, had been committed by the English Government in the Ionian Islands, and that the only difference between the two cases was, that the French people were satisfied, and the Ionian people were disgusted. What were the cruelties that had been practised? As an instance he would mention the case of a member of the present Parliament of those islands. He was dragged from his home, and transported to a small, bare island, there to linger in captivity; and Madame Dominichini, the wife of that gentleman, was now undergoing the greatest sufferings. Every island under the Governor of the Ionian Islands was the abode of unfortunate captives, men without trial, without sentence, and without crime. The whole system was a discredit and disgrace to people owning the name of Englishmen. All regular government had been suspended, and violence and lawlessness had been established throughout the islands. He hoped when Parliament met again they would meet under different auspices. Early in March last he had moved for papers on this subject, but they had not yet been presented. He was sorry he was precluded by circumstances from doing more than entering his protest against the system now pursued in the Ionian Islands.

SIR JOHN PAKINGTON said, he did not think it necessary to follow the hon. Gentleman into all the points he had touched upon, but he certainly must complain of the manner in which the hon. Gentleman (Mr. Hume) had brought subjects of such immense importance before the House. He (Sir J. Pakington) was placed in a somewhat extraordinary position, for the hon. Member had on such an occasion as the present embraced subjects of no less importance than the recent petition sent home from the Legislature of New South Wales, and the present state of the Government of the Ionian Islands. He would, however, briefly reply to the hon. Member on both those subjects. With regard to the first point to which the hon. Member had adverted, namely, the petition from the Legislature of New South Wales, he thought that petition embraced a subject of too much importance and magnitude to be lightly and incidentally dealt with. Upon that subject he would only say, that although he believed the Legislature of New South Wales were not borne out in all the allegations which the petition contained, he was ready to admit that the petition was entitled to the deepest and most respectful consideration of Her Majesty's Government. He at once acknowledged that it was their duty, and he assured the House, that individually it was his inclination, to concede to the Colonies every fair right they could claim, and which could tend to promote their prosperity and liberty, consistently with the maintenance of the connexion between them and the mother country. Acting on that principle, he could assure the House and the hon. Gentleman that between the present time and the next Session he would make it his duty carefully to analyse every part of the prayer of that petition. But he should also beg the House to remember that two of the most important prayers in the petition related to the management of waste lands, and the management of the casual revenues derived from mineral sources. He hoped the House would do him the justice to recollect that, in the Bill which they had lately passed for the better government of New Zealand, he had conceded to that Colony that very prayer relating to the management of waste lands; and he trusted the House would also recollect that Her Majesty's Government had conceded to the Australian Colonies, and also to New Zealand, if it should be necessary, the management, distribution, and expenditure o any revenue they might derive from minerals found in their respective Governments. He had, therefore, the satisfaction of feeling that in these two important points, in the one case as regarded New Zealand, and, in the other, as regarded all the Colonies in the same quarter of the world, Her Majesty's Government had already anticipated the prayer of that petition. He would next advert for a moment to what the hon. Gentleman had said on the subject of the Ionian Islands. He made no objection to the hon. Gentleman's having thus a second time brought that subject before the House; but he thought he had a right to make some objection to the manner in which the hon. Member had discharged that duty. The hon. Member had that day introduced that delicate and difficult question, as he had done on a former occasion, without having given notice of any particular Motion with respect to it. The hon. Gentleman had previously brought the subject under their notice on a Motion for a Committee of Supply; and although the Government had at that time been only recently formed, he (Sir J. Pakington) had felt it his duty to state at some length what were their views and feelings with respect to the conduct of Sir Henry Ward, and more especially as an event of some importance had, a short time previously occurred, namely, the prorogation of the new Parliament in the Ionian Islands within a few days after its having first met. But he thought he had a right to complain that a high public officer, placed in the extremely difficult and arduous position in which Sir Henry Ward stood, should be thus exposed to an incidental attack of that description, without any warning whatever as to what the nature of that attack was to be. When the hon. Member had brought that subject before the House at the beginning of the Session, he had stated that after the Easter recess he would make a Motion with respect to it. And why had not the hon. Member redeemed that pledge, and made that Motion? [Mr. HUME: Because you have not given the papers I asked for.] If the conduct of Sir Henry Ward, in the discharge of an important public duty, was to be made the subject of grave complaint, he was entitled, as a public officer, to have that complaint brought forward after due notice; and he himself (Sir J. Pakington), as the Colonial Minister, ought to have been made acquainted with the case with which he was to have to deal. He thought it was not fair to Sir Henry Ward to introduce grave attacks against him in that casual and incidental manner. Why had not the hon. Gentleman made a Motion on that subject? The hon. Gentleman said it was because he (Sir J. Pakington) had not produced the papers relating to the case. Now, it was true that those papers had not yet been laid before the House; he was sorry for it, and he would tell the hon. Gentleman how that had happened. When the hon. Gentleman had moved for the papers, he (Sir J. Pakington) had told him that they would be very voluminous, and that he could not give them without a reference to the Ionian Islands. He had referred to those islands; but the papers which had then been sent to him had been incomplete, and he had found it necessary to make a second reference to the Ionian Islands on the subject. He was happy to be able to add that the papers were at present complete, and were nearly ready, and that they would be laid before the House in a very few days. But he should like to ask whether the hon. Gentleman had been induced to refrain from bringing forward a Motion on that subject by a recollection of the fact, that, when he had a few years ago introduced a similar Motion, he had found thirteen Members only to support him. He (Sir J. Pakington) was disposed to think that that circumstance had something to do with the determination of the hon. Member not to bring at present any substantive proposal under the consideration of the House. [Mr. HUME: Not at all.] All he could say was, that whenever the hon. Member brought forward the question in the shape of a Motion, he (Sir J. Pakington) should be prepared to vindicate the conduct of Sir Henry Ward, who had no political connexion with the present Government, if he should think it could be vindicated; and if he should not think so, he should be prepared frankly to make an admission to that effect. But he should express a hope that, under any circumstances, the question would be fairly brought forward. He thought he had reason to complain of the hon. Gentleman's having introduced the case of Madame Dominichini's petition in order to excite the sympathy of the House. It was not the Government that was answerable for the melancholy position of the wives of men who had drawn down on themselves the vengeance of the law by their own misconduct. He was sorry for the position of Madame Dominichini; but he believed the conduct of her husband had been such as fully to deserve the punishment he was suffering. The conduct of Sir Henry Ward in dealing with the press had been much censured by some parties; and he (Sir J. Pakington hoped the House would allow him to read a few words from one of the Ionian papers, which had partly led to those acts of Sir Henry Ward of which complaints had been made. The following was a translation of a passage in the *Rigas*, a Zante paper, and was an article or a specimen of articles for which Pizzara was banished:—

> "The ferocious and insane Ward, the type and image of Turkish brutality and silliness, after shamefully treading the heroic soil of Cephalonia, stained in all its Hellenic parts with his inauspicious name, returned to Corfu, torn with remorse of conscience, inflamed with a fever of vengeance, and showing in his dark and hangman face that savage and Attilian brutality which his Colleagues have displayed in India and other places, where, through Divine permission, the British sword has appeared."

And then further on the writer proceeded as follows:—

> "But how is this, while we are at liberty to express our wishes as to our fate, while through our representatives we possess a sovereign will, may we not freely utter our firm opinion that we do not desire you for our protectors—that we do not wish to be governed by you—for we have another national mission, and we seek another political destiny, incontestable, and suggested by the inalienable rights of nations? How, are we not masters, to send you whence you came, miserable being, who for our misfortunes have trodden this land of Paradise, and made it a hell, and a source of death and of tears."

He would only read that one specimen from the press of the Ionian Islands. He hoped that while a Governor had to contend with a people willing to support such a press, some allowance would be made for the acts of rigour to which he might feel compelled to resort. He would only repeat that if Sir Henry Ward were to be attacked at all, he ought to be attacked in a fair and open manner, and upon a Motion of which previous notice had been given.

MR. HUME begged to explain that he had spoken to the right hon. Gentleman more than once, in order to ascertain when the papers would be produced on which he intended to found a Motion. Dominichini was a Member of the House of Representatives, who was torn from his family and imprisoned in a rock.

SIR WILLIAM MOLESWORTH said, he must beg to express his satisfaction at the statement of the right hon. Gentleman as to its being his intention carefully to consider the condition of New South Wales. He hoped the wise policy which the right hon. Gentleman had pursued towards New Zealand, would be pursued towards all the other Colonies. He considered the giving up the revenue of the mineral discoveries to the Colonies, did the right hon. Gentleman the greatest credit; and by pursuing the same course in other respects, the right hon. Gentleman would at once prove himself to be the wisest Colonial Minister the country had ever possessed, and the adoption of this measure would strengthen, more than any other means, the union between the Colonies and the mother country.

LORD DUDLEY STUART said, he thought that if the right hon. Baronet (Sir J. Pakington) took credit to himself for defending the conduct of the Governor of the Ionian Islands, though Sir Henry Ward was not a member of his political party, that his hon. Friend (Mr. Hume) was still more entitled to credit for consistency and fairness, for Sir Henry Ward was a political connexion. The right hon. Baronet had read a violent invective published in the Ionian Islands against the Governor; and he (Sir J. Pakington) had stated that when a Governor was attacked in that way, some excuse ought to be made for the means of repression which he might adopt. That might be true, but he could not help remembering that he had heard that when there was a disturbance in the Ionian Islands on a former occasion, Sir Henry Ward had resorted to means of repression which brought disgrace upon the British name, by publishing and proclaiming a reward for all offenders who should be brought up dead or alive. Such a proceeding was unknown to civilised Governments, and was only practised by the despots of Austria.

MR. BAILLIE COCHRANE said, he believed the conduct of the noble Lord who had just addressed the House, and of the hon. Member for Montrose (Mr. Hume), on that subject, could not be sufficiently deprecated. He had been several times in the Ionian Islands, and he could tell the noble Lord and the hon. Member that the course which they had pursued had contributed to create or to aggravate those unhappy feelings which had been productive of so much misery in those islands. He could find no justification for the charges they had brought against such a high-minded and honourable gentleman as Sir Henry Ward.

Subject dropped.

METROPOLITAN BURIALS BILL.

Order for Committee read.

House in Committee.

Clause 2 (Her Majesty may order a discontinuance of burials in any part of the metropolis).

SIR WILLIAM CLAY moved to add the following Proviso:—"Provided that no burial ground in the metropolis where burials should have been discontinued by such order as aforesaid, shall be allowed to have any dwelling-houses, shops, or warehouses erected thereon." The only ground of objection he could anticipate to this Motion would be in fact obviated by the clause to be proposed for compensation, which he understood would not be opposed. He therefore could not see any reason why the Government should not endeavour to make some provision to obviate the violation of decency and public feeling which would take place if burial grounds were allowed to be devoted to building purposes.

MR. WALPOLE said, he fully concurred in the feeling expressed by the hon. Baronet on this subject. Burial places ought not to be applied to any other purposes than those to which they were originally devoted, but there was a difference between consecrated and unconsecrated burial grounds. The consecrated grounds were already protected by the law, but the unconsecrated burial grounds were not. It might, therefore, be necessary to bring up a clause to effect that object. He would suggest to the hon. Baronet to postpone his Amendment till the bringing up of the Report.

Amendment, by leave, *withdrawn*; Clause *agreed to;* as were also Clauses 2 to 9 inclusive.

Clause 30 (The Burial Board may lay out burial ground and build a chapel; that a portion of the ground may be consecrated, and a portion not consecrated).

SIR WILLIAM CLAY said, he should move to strike out the Proviso at the end of this clause, which provides for liberty in the parish board to have part of the new parish burial ground unconsecrated, and to substitute the Proviso of which he had given notice. The clause provided that the board may build a chapel on the burial ground for the performance of the funeral service according to the rites of the Church of England, and that such burial ground should be consecrated by the bishop of the diocese; it then provided that a portion of the ground might be set apart which should not be consecrated, and that a chapel might be built thereon for the performance of funeral service. This distinction between consecrated and unconsecrated ground was of recent invention, having originated from the establishment of commercial Cemetery Companies, and was intended to obviate the opposition of the bishops in the House of Lords. The clause, as it stood, involved either an absurdity or an injustice. If they built a chapel for the members of the Church, and another for Nonconformists out of the rates, they saddled the ratepayers with a double expense, which was an absurdity; but if they did not intend to build a chapel for the Nonconformists, then they would do them a great injustice, by requiring them as ratepayers to contribute to the building of a place of worship of which they could not make any use. It was an indirect mode of extending the system of church-rates. There was no objection on the part of Nonconformists to be buried in consecrated ground. Nor would they have any objection to a portion of the funeral service on occasion of the interment of their relatives or friends being performed in the chapel provided for the use of members of the Church. It should be recollected that a chapel for such purpose was not strictly a place of worship, there being no direction in the Rubric for any portion of the funeral service being performed within the walls of a consecrated building. There was a precedent in an Irish Act of Parliament (the 5th of George IV.), which contained this clause:—

> "To the end thereof that all classes of His Majesty's subjects may be permitted to have the said easement of burial according to the rites of the several religions professed by them, be it enacted, that from and after the passing of this Act it shall and may be lawful for the officiating minister of the Church of Ireland by law established, in each and every parish in Ireland, upon application being made to him in writing by any clergyman or minister of any church or congregation not being of the Established Church of Ireland, duly authorised by law to officiate in such church or congregation, stating the death of any member or members of such church or congregation, for permission to perform the burial service at the grave of such person or persons in the churchyard of such parish according to the rites of such church or congregation, to grant permission accordingly; provided always, that such permission for the performance of such burial service at the grave, according to the rites of such church or congregation, shall be in writing."

They had therefore a precedent for doing away with the invidious distinction between consecrated and unconsecrated ground; and thus Nonconformists might be able to use the same building as the members of the Church of England. This was an opportunity for doing a gracious act. He knew the power of parties in another place to oppose this proposition; but he would warn the members of the Established Church that the time was coming when it would be worth while for them to conciliate friends, which they could now do without shocking the feelings of any party. This was not a time for adding to or continuing religious divisions among the people; but, on the contrary, they should seize the occasion to introduce conciliation and goodwill between the different religious sects, who agreed in so much and differed in so little. Let them not continue their religious differences beyond the grave. In the name of their common humanity, and in the name of common sense, he would recommend to the Committee the adoption of the change he had suggested in this portion of the measure.

SIR JAMES DUKE seconded the Amendment, and hoped the noble Lord the Chief Commissioner of Works would remove from the Bill, which in other respects was so acceptable, a clause that was most unfair and unjust towards the Nonconformists.

Amendment proposed—

"Page 9, line 3, to leave out from the word 'providing' to the end of the Clause, in order to add the words 'every case in which the party having the direction of the funeral of a person whom it is intended to inter in such Burial Ground shall give notice to the keeper of the said ground, that the services of a Minister of the said United Church of England and Ireland will not be required thereat, it shall be lawful to inter in any part of such Burial Ground the body relative to which such notice shall have been given without the services of any such Minister, and to have the Burial Service performed as well in the said Chapel as in the said Burial Ground, according to the usages of the religious denomination to which the deceased, or the party having the direction of the said funeral, may have belonged, or belong."

LORD JOHN MANNERS said, he deeply regretted that the hon. Baronet (Sir W. Clay) should have felt it his duty to propose this considerable alteration in the Bill. So far from believing that the Amendment would have the effect of checking those religious discords of which he complained—so far from believing that it would have the effect of keeping these burial grounds free from the painful scenes which they must all deprecate and deplore, he was deeply persuaded that the Committee could take no course more fatal for the preservation of religious peace than by adopting this Amendment. One would suppose, from the speech of the hon. Baronet, that it was proposed to deprive the Dissenters of some right which they at present enjoyed. The Bill did no such thing. Every right which the Nonconformists enjoyed by law, they would enjoy under this Bill. The hon. Baronet had referred to an Irish precedent, but it was not wise to select an isolated piece of Irish legislation and apply it to a measure of this nature. In every Act for the formation of Cemeteries similar provisions to those contained in this Bill were adopted without opposition. The clauses were inserted, not in hostility to the Nonconformists—God forbid!—but with their approbation and approval. The hon. Baronet had now asked them for the first time to depart from this way of moderate arrangement, which conciliated all religious feelings, and did injustice to none. The clergy of this metropolis had acceded in the most frank and fair spirit to the various provisions of the Bill, which certainly in many respects materially trenched upon their incomes. He had felt it his duty not to take into his counsels the clergy of this metropolis; thus guarding himself by anticipation against any imputation of that nature. And now having, with the assent of the clergy, brought this difficult measure up to this point, they were met by the hon. Baronet with a proposition which, if carried, would materially, if not altogether, tend to defeat the beneficent objects which were contemplated by the Bill. It was for the public convenience, and for the well acting of this Bill, that the Committee should adhere to those provisions which in all previous instances had been found to work satisfactorily in promoting religious peace among the people. He must, therefore, however painful to himself, resist the proposal of the hon. Baronet.

MR. BERNAL OSBORNE said, feeling the spirit of fairness and equity with which the noble Lord had conducted this Bill, it was with regret that he differed from him in this instance; but, as he thought the clause was lessening the common-law right of the Dissenters, he felt bound to support the proposition of the hon. Baronet (Sir W. Clay). The Committee ought to remember that the Dissenters would be deprived of their own burial-grounds by this measure. Their claim, therefore, was more imperative that this clause should not pass in its present form.

Admiral STEWART said, he could bear testimony to the fact, that the Nonconformists had no objection to be buried in consecrated ground. The noble Lord the Chief Commissioner of Works said that no injustice would be done to Dissenters by this Bill, but he would mention a case in which great injustice would be inflicted on their feelings. It was a feeling of our common nature that we all wished to lie by the side of those whom we loved when living. Well, suppose the parents should be members of the Church, and the children should be Nonconformists — in that case the parents would be buried in the consecrated portion of the ground, and the children would be obliged to be buried in the unconsecrated portion. He thought the distinction was most injudicious and uncharitable.

Lord DUDLEY STUART said, if the clause remained in its present form, the Nonconformists would have to contribute to the expense of a chapel which they could not use, and the members of the Church would also have to do the same.

Mr. T. DUNCOMBE said, this Bill differed from all other Bills, this being a general Bill, whereas all former were Joint Stock Cemetery Company Bills.

Mr. TENNYSON D'EYNCOURT said, he considered this provision of the Bill calculated to create more heartburnings than had ever existed before between Dissenters and members of the Church of England.

Mr. WALPOLE said, the common law assumed that every man belonged to the same religious community, and was therefore entitled to burial in the same consecrated ground, and by the same religious ceremony. But, since there were many persons who dissented from the Church, it was necessary to provide them with a burial ground also. Again, with respect to the chapels—a chapel was provided for the members of the Church, and also one for those who dissented from the Church. These appeared to him to be very reasonable provisions. There was no objection to Nonconformists being buried in consecrated ground, provided they would submit to have the burial ceremony performed by a minister of the Church of England.

Lord SEYMOUR wished to remind the Committee that if the whole ground were consecrated, it would be under the authority of the bishop, and any monumental inscription to which the bishop might object, however agreeable to the feelings of the friends of the deceased, might by his order be removed. He thought great inconvenience also might arise from the use of the same chapels by Nonconformists and members of the Church.

Mr. T. DUNCOMBE said, persons of all persuasions were buried in Bunhill-fields burial ground, and he had never heard of any difficulties arising therefrom.

Mr. PETO said, he must complain of the conduct of the clergy of the Church of England refusing to perform the funeral service at the funeral of a Dissenter, ro of permitting the service to be performed in the churchyard by his own minister. But the Dissenters of this country were too numerous, too important, and too powerful a class long to submit to this amount of degradation, which was so undeserved.

Lord ROBERT GROSVENOR said, he did not see the necessity of the distinction between consecrated and unconsecrated grounds, and, as the chapel was erected simply as a place of shelter and not of worship, he was of opinion that the ratepayers should not be put to the expense of building two chapels. But that was a small part of the question. It was important they should not make these distinctions.

Colonel THOMPSON said, he would beg to ask the right hon. the Home Secretary, whether he had correctly understood him to say, that Dissenters might be buried in what was called the consecrated ground, if no objection was made to the Church of England's service. If he was assured of this, it went to remove much of the difficulty before the House. He took for granted, few Protestants attached much more importance to the consecration of ground, than to the consecration of bells, candles, oxen, asses, and various other matters which were made the subject of consecration in another Church; unless in so far as the practice had a tendency to secure respect and repose to the remains of the deceased. But if this was so, it made it a peculiarly impolitic ground to enter into contest with the Dissenters on; and he hoped the Government would think so.

Question put, "That the words 'providing any Burial Ground such Board shall' stand part of the Clause."

The Committee divided:—Ayes 62; Noes 40: Majority 22.

Clause *agreed to;* as were also Clauses 31 to 38 inclusive.

The House resumed. Committee report progress.

CASE OF MANUEL PEREIRA.

Mr. **MONCKTON MILNES** said, he rose to ask Her Majesty's Government what steps had been taken to expedite the course of public justice in the case of Manuel Pereira, a coloured seaman, under British protection, detained in the prison of Charleston, in the United States, in consequence of the vessel in which he was employed having put into that port in distress, and in whose favour Mr. Matthew, Her Majesty's Consul at that place, had applied for a writ of *habeas corpus* on appeal to the Supreme Court of the State of South Carolina, in session at Columbia, which Court had now postponed the hearing of the said case till January next?

Lord **STANLEY** was glad his hon. Friend had put this question, because he thought it desirable that public attention should be drawn, both in this country and in the United States, to the harsh and oppressive working of those laws of the Southern States which related to British coloured seamen. It was true that a British vessel, coming from Jamaica on her homeward voyage, having struck on a reef near Charleston harbour, had been compelled to put into that port in a sinking state. Among her crew was one Manuel Pereira, a coloured man, a native of the Cape Verd islands, and consequently a Portuguese, and not a British subject, though being at the time an articled seaman on board a British ship, he was under British protection. In conformity with the law of South Carolina, this man, on the arrival of the ship in port, was taken out of her, and lodged in the common gaol. The vessel was condemned and sold: the master and crew, after a short delay, the exact length of which was not stated, were able to leave Charleston; but when they applied for the release of Pereira, the master was charged with the expenses of his detention in gaol, and, refusing to pay, went away, leaving the unfortunate man in confinement. It was stated that Pereira had applied through the master to the Portuguese Consul on the spot, and to the Minister of his country at Washington, but that no notice had been taken of either application. He then had recourse to Mr. Matthew, and these cases being unhappily not of rare occurrence, Mr. Matthew had received previous instructions how to act. A question arose, whether it would be better to apply to the State Court of South Carolina, or to the District Court of the United States: a legal opinion was taken, and it was decided to apply to the State Court. The circumstances immediately following were detailed in Mr. Matthews' despatch:—

> "I have to state that Judge Withers (of the South Carolina Court), attended by the State Attorney General, has received the application (for a writ of *habeas corpus*) in court, and has refused it without argument, reserving his opinion for the Upper Court, to which, consequently, an appeal has been taken. This court, which meets in Columbia in May, is empowered, if so inclined to take up, on petition, the hearing of the case, which would be otherwise deferred to the November term in Charleston; and an immediate hearing would be very desirable, as forwarding greatly, in time, the ulterior appeal (should such be requisite) to the Supreme Court at Washington. I am not very sanguine of success, however strong the ground of a vessel in distress, in the State courts: but I can scarcely entertain a doubt of the decision of the Supreme Court; it will then rest with the Federal Government to enforce in this State the decision of that tribunal."

And in another despatch, dated May 28th, which was the latest information Government had received on the subject, Mr. Matthew spoke of the case as still pending in the State Court of Appeal. With regard to the laws under which Pereira was imprisoned, he must observe that this was by no means the first time they had been the subject of discussion. The question was not a new one: it was one of great difficulty, and which required very delicate handling, for every one who knew anything of America, knew that there was no single political question in the United States, on which a greater diversity of opinion prevailed, or which had given rise to more party feeling, than that which related to the mutual rights and obligations of the provincial and federal Legislatures. Energetic remonstrances had been addressed to the American Government, on more than one occasion, and, greatly to his honour, by the noble Lord the Member for Tiverton, when Foreign Secretary. A relaxation had already taken place in the laws of one State, Louisiana, on this subject: and he confidently hoped that, sooner or later, the influence of public opinion on a nation which claimed, and justly claimed, to be one of the most enlightened on earth, would do away with enactments which, as they now stood, were a disgrace to any civilised community.

APPORTIONMENT OF LAND TAX.

Mr. WODEHOUSE begged to put a question to the right hon. Chancellor of the Exchequer, relating to the subject of the inequalities in the apportionment of the land tax, and would refer more particularly to the evidence given by Mr. J. Wood, the chairman of the Board of Inland Revenue, before a Committee of the House of Lords, on the subject of the burdens affecting real property, in 1846.

The CHANCELLOR of the EXCHEQUER said, that, as far as he understood the hon. Gentleman's question, what he wished to know was, whether there was any prospect or any possibility of obtaining a better adjustment of the land tax. He would, therefore, inform the hon. Gentleman, that the question whether under the existing laws it might not be possible to effect a better adjustment of the land tax, was now about to be solemnly argued in the Court of Queen's Bench, on the first day of next Michaelmas term. The parish of Tower Hamlets had obtained a mandamus against the local commissioners, and it had also obtained a rule *nisi.* If that rule was not set aside after argument, then a more equal adjustment would, of course, be secured under the present law; but if the mandamus was refused, then the time might arise when the subject should be considered by that House. But under the present circumstances, while the question was about to be solemnly argued in one of the Superior Courts, he thought it unnecessary to speculate regarding a legislative remedy, when the existing law might be ruled by the court, so as to give the relief which the hon. Member desired.

EMIGRATION.

Mr. BONHAM CARTER begged to ask the right hon. Secretary for the Colonies if he had directed his attention to the subject of the assistance which might be afforded to emigration from this country by obtaining the co-operation of the local Legislatures in Australia, in facilitating the recovery of loans advanced in England, in individual cases, for emigration purposes?

Sir JOHN PAKINGTON, in reply, said, that he admitted the importance of the question, which had received his best attention. He very much doubted whether any Legislature, home or colonial, could remove the difficulty and remedy the grievance to which the hon. Gentleman alluded. It would be most difficult to devise any means whereby sums advanced as loans to emigrants in this country would be recovered in the Colonies from those emigrants. He believed the existing law in the Colonies was adequate to the recovery of loans under ordinary circumstances. There were several cases in which benevolent persons had raised the necessary funds and sent out emigrants, who were well selected, and who, acting with a feeling of honour and honesty, returned the loans so made, in the hope, as was generally expressed, that other members of their family would be sent out. But, looking at the great extent of territory which we possess in this part of the world, compared with the scattered nature of the population, it was plain that there must be the greatest difficulty in recovering, by legal means, the loans so made—first, in proving the debt; and, secondly, that the defaulters were in a position to return the money. He feared, therefore, that any exertions of the Home and Colonial Legislature to achieve this object would be unavailing.

Mr. HUME wished to know whether the Government had made up its mind to assist emigration from the distressed and populous districts of Scotland.

Sir JOHN PAKINGTON replied, that considerable relaxation in the rules laid down for the guidance of the Emigration Commissioners had already taken place in order to promote this object.

Subject dropped.

VALUATION (IRELAND) BILL.

Order for Committee read; Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. F. SCULLY said, it was his intention to move that the Bill be committed that day three months. The valuation of Ireland had been in progress for the last six years, in consequence of a Committee of that House which sat in 1845. Six counties had been valued under the 9th and 10th Victoria, which Act was the result of the labours of the Committee to which he had alluded. But this Bill proposed to legislate in direct opposition to the principles of that measure. He thought the Bill which had been prepared for the purpose of ascertaining the value of agricultural produce ought now to be produced, for it was a necessary concomitant to this measure. The prices of agricultural produce were to constitute the basis of this Bill, but there was no regular or correct mode of ascertaining such prices—none, except by vague rumours and newspaper reports. No less than seventy amendments had been moved, and many more would have been moved, but the Irish Members thought the Government would not have pressed the Bill at so late a period of the Session. The great mistake in the valuation of Ireland was in the mode in which the valuation had been carried out. The great objection to the present law taken by Mr. Griffiths, the Chairman of the Board of Works in Ireland, was to the principle of a tenement valuation, in opposition to a townland one; but lately, Mr. Griffiths, the Chairman, changed his mind, and was now in favour of a tenement valuation. But, in truth, as he had already stated, the real objection lay not against the form of the law, but to the mode in which it was now worked out. He must object to the power of appeal which was now proposed to be given; and he maintained that it was not right that a measure of this importance should be pressed forward in the absence of Irish Members, of whom not more than nine were at present in the House at the present moment. However, if this measure passed, he should not think that the question was settled; for early next Session, if he was honoured with a seat in that House, he would move for an inquiry into the whole subject, with a view to put the state of the law relative to the valuation of land and agricultural produce in Ireland on a more satisfactory basis.

SIR DENHAM NORREYS seconded the Amendment.

Amendment proposed, "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee,' instead thereof."

MR. MONSELL said, he believed that this Bill would remedy many of the evils which were complained of in connexion with the present system of valuation in Ireland. That system was costly, and had produced the most disastrous results. The noble Lord the Chief Secretary for Ireland had promised that he would next Session introduce a measure on the subject of the valuation of agricultural produce, and under these circumstances he hoped that the present measure would be allowed to proceed; for he believed that the universal feeling of the people of Ireland was in support of it.

SIR DENHAM NORREYS said, he differed from the hon. Member (Mr. Monsell), and he hoped that the Bill would not be pressed forward during the present Session. The subject was far too important to be brought forward at this period of the Session, for it required the united attention of every one connected with Ireland. He admitted that the present system had produced disastrous results, but he did not think that this measure would remedy them. This Bill introduced an entirely new system of valuation, differing from every Bill which had preceded it, and he considered it entirely unjustifiable to press it at this late period of the Session when so few Irish Members were present. He objected to the whole system of valuation in Ireland. He was not averse to the Government exercising a supervision over the valuation; but considering that the present system cost about *2l. 10s.* per cent, while the best private valuations only cost *5s.* per cent, he thought he was fully justified in asking that the system should not be renewed without giving an opportunity for full examination into its actual working. Were they quite sure that they had grounds to stand upon now more sure than those they worked on hitherto? Had the system contained in that Bill ever been discussed in that House as yet? He thought it a cruelty to force on this measure, and would suggest to the right hon. Gentleman opposite as a far better course that he should as early as might be next Session appoint a Committee, which could have witnesses over, and thoroughly examine the system before there was any more legislation upon it. All he wanted was a fair relative valuation, but this the Bill was not likely to give. There was the grossest injustice in it as between town and country; and besides, examination, if time were allowed for it, would probably show that the system might be greatly simplified and improved.

SIR WILLIAM SOMERVILLE said, the hon. Member's speech should have been delivered on the second reading. The hon. Member had appealed to right hon. Gentlemen opposite not to press the Bill at this period of the Session; but he thought it most desirable, in the present state of affairs in Ireland, that the House should at once go into Committee on the question. He had himself introduced a Bill last Session upon the subject; but many objections having been made to it he had withdrawn it, because he was anxious to give a fair consideration to those objections. The Bill which they were now discussing was to a great extent similar to that of his introduction; and seeing the condition of this question in Ireland—seeing how absolutely necessary it was to set these matters to rights there—he thought it must be a subject of regret if the House did not do something this Session. He hoped therefore that the Government would persevere, and that in a very short time the Bill would become law.

MR. VINCENT SCULLY admitted that the system of valuation now in force in Ireland was almost as bad as possible. They were all, no doubt, most anxious to have a good and perfect mode of making valuations in Ireland, and therefore he should be very sorry indeed to oppose the present measure, if he entertained the belief that it justly merited the commendations which it had received from the right hon. Baronet. But even were the present Bill an improvement upon the existing system, it ought not to be hurried through its various stages at so advanced a period of the Session, and in a House which necessarily exhibited so very small an attendance of Irish Members. He had recently urged the same objection against the Crime and Outrage Bill, and he was answered by statements on the part of Government that that Bill was merely for the purpose of continuing in force a necessary measure. But there were no such excuses for now introducing and urging forward a Bill, not for continuing any existing mode of valuation, but for setting aside all former modes of valuation, and substituting an entirely new system. A mere glance at the Bill would suffice to satisfy the House that the subject was one which required the most mature deliberation. It had occupied the attention of successive Governments from a period antecedent to the time of Sir William Petty, during Cromwell's Protectorate, and Parliament had been attempting to legislate upon it for the last twenty-six years, within which period they had passed no less than six different valuation statutes, including the latest Act of 9 & 10 *Vict.*, c. 110, which had purported to terminate all the difficulties of the question. The Bill introduced last year by the late Chief Secretary for Ireland differed wholly from that Act as well as from the present Bill. That Bill of last Session was referred to a Select Committee, which he believed had done little more than merely approve of a bad measure, and had not done its duty by inquiring fully into the whole subject. By the present Bill they were called upon, without any sufficient time for due consideration, to set aside all former modes of valuation, and to settle suddenly what had continued unsettled during so many years. There were many matters which required deliberation in connexion with the present Bill. In the first place, the great defect in the past valuations of Ireland was that which had been already so well pointed out by the hon. Member for Tipperary. The primary valuations made on the spot by professional valuators were usually completed many years afterwards by a staff of inexperienced clerks in an office in Dublin. He would not dilate upon the evil effects of that vicious practice; but until it was wholly altered, they might pass a new Valuation Bill every Session of Parliament, and the result would still remain of the same unsatisfactory character. It was now proposed that in future the value of land should be assessed according to the average prices of agricultural produce, taken in forty market towns of Ireland, as stated to have been collected from loose and conjectural entries found in some local newspapers. It was very well known that with the exception of wheat and oats in the single city of Dublin, there was never any official mode of ascertaining the average prices of any sort of produce in any town in Ireland; and it had been distinctly proved before the Devon Land Commissioners, that even in Dublin the averages were of a most unsatisfactory character, and could not be depended on at all, inasmuch as they were purely voluntary returns, and were based chiefly upon the prices of large quantities of foreign wheat and oats sold in the Dublin markets. He had upon the former discussion of this Bill pointed out the absurd character of the averages upon which its scale of prices professed to be based. He thought it undesirable to base a valuation upon the average prices of produce until after some correct mode for taking them should have been provided; and he wished now to obtain from the Government some distinct pledge that they would introduce a proper Bill for ascertaining the averages. Various comments had been made on the mode of procedure, which the present Bill proposed to adopt in assessing the value of land. It appeared to him that it would be very desirable that, independently of valuing land according to the average prices of produce, the valuators should also be directed to ascertain its net letting value. He thought that this would be most useful for many purposes apart from those of taxation; and amongst others it would act as some sort of check upon the accuracy of the valuations. For instance, in appealing from a valuation, suppose a person found his farm valued at 20*l.* a year, and that he knew quite well its fair letting value was only 15*l.* a year, he would possess some sort of guide to enable him to determine whether or not he ought to appeal. But under the proposed system of valuation, to be based entirely upon an arbitrary scale of prices of several articles of agricultural produce, it would be practically impossible for any person to judge for himself whether he ought to appeal, and it would be equally impracticable for his attorney or counsel to understand his grounds of appeal, or to make them intelligible to a court of quarter-sessions. His suggestion of a contemporaneous valuation, based upon the net letting value, as well as upon the prices of produce, would not involve any additional expense. In one respect he entirely approved of the principle of the present Bill, for it proposed to introduce one uniform mode of levying both poor-rates and county rates. Being anxious to affirm that principle, and hoping that the Government would either have adopted his former suggestions or have deferred the further consideration of the Bill until a future Session of Parliament, he had voted for its second reading. They seemed, however, now resolved to carry through this Bill in its present objectionable form; and of course in the absence of the other representatives of Ireland, it was not in his individual power to offer any effective opposition. He felt that in the necessary absence of so many of his brother Members, he was forced to form one of a sort of forlorn hope, in resisting the introduction of ill-advised or immature measures. The Bill, as it then stood, provided no mode whatever for auditing the accounts and expenditure. He had already shown that the past expenditure had amounted to about 300,000*l.*, and in the single county of Tipperary to near 30,000*l.*, for not one shilling of which had the grand juries or the ratepayers received any sort of account or audit. In conclusion he would only repeat, that he entirely felt the futility, under present circumstances, of attempting to oppose the Bill, or to improve it in any material respect, and he should therefore, for his own part, content himself with simply suggesting to the Government the adoption of some minor amendments—at the same time protesting in the most emphatic terms against this annual system of crude and hurried legislation upon important Irish subjects at the close of each Session.

Mr. F. SCULLY, in the present state of the House, agreed with his hon. Friend the Member for Cork county, that it would be perfectly unavailing to proceed further in their opposition. He would, therefore, now leave the matter in the hands of the Government, and on their shoulders let the consequences rest of imperfect legislation.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

House in Committee.

Clauses 1 to 46 inclusive *agreed to.*

Clause 47.

Sir DENHAM NORREYS said, he would beg to move to add to the end of the Clause the Amendment of which he had given notice.

Amendment proposed—

> "Page 20, line 22, at the end of the Clause to insert the words, 'and the person occupying the property so rated for County or other purposes shall be at liberty to deduct from the rent payable by him on account of the tenement whereon the rate has been levied, such proportion of the rate paid as he would have been entitled to deduct had the rate been levied for the relief of the Poor.'"

Question put, "That those words be there added."

The Committee *divided:* — Ayes 3; Noes 81: Majority 78.

Clause *agreed to;* as were the remaining Clauses.

House resumed. Bill *reported.*

PATENT LAW AMENDMENT BILL.

On the consideration of this Bill as amended,

Mr. S. CARTER moved the adoption of a clause, providing that—

> "If any person should, by himself or by the agency of any other person, knowingly and fraudulently pirate or manufacture, for sale or profit, any article or part of an article protected by Letters Patent under this or any other Act, he should be guilty of a misdemeanour, and on conviction thereof before any Court of General or Quarter Sessions, should be liable to be imprisoned for any term not exceeding twelve calendar months, with or without hard labour, or to pay a fine not exceeding 100*l.*, with or without imprisonment; provided always, that no conviction for this offence should prevent or defeat any civil remedy

which the party aggrieved might have by action or otherwise."

The CHANCELLOR OF THE EHCHEQUER said, that it appeared to him that this clause appeared to be taken from the Whiteboys Act. A more monstrous proposition he certainly never heard; and that it should have been made by an hon. Member distinguished for his extremely liberal principles, was exceedingly remarkable. It was perfectly opposed to the spirit of modern legislation, and he trusted that the House would not sanction for a moment a proposition which would inflict upon any ingenious person who might violate the law by any manufacture, a punishment of so savage and almost of so sanguinary a character as that now proposed. He believed that no House of Commons of the nineteenth century would sanction such a proposition, more especially when hon. Members were about to appear before their constituents so shortly. He trusted, therefore, that the hon. Member would not persist with his clause.

Clause negatived; Bill, as amended, *agreed to.*

PIMLICO IMPROVEMENT BILL.

Order for Third Reading read.

COLONEL SIBTHORP said, he must object to proceeding with the Bill at so unseasonable an hour. The Bill was called the "Pimlico Improvement Bill," but it was in reality a Bill to carry out the private views of certain interested parties at the expense of the public, and that, too at a period of great distress, and when the country was groaning under the continued imposition of an odious income tax. He had ventured to raise his voice against the job of removing the Marble Arch, and he had been told that that object would be effected without any cost to the public. Old birds, however, were not to be caught with chaff, and it appeared that a very large sum of money had been exhausted in the removal of the fright. Then there was the National Gallery, upon which the public had lavished so large an amount of treasure; and what a miserably ludicrous spectacle it presented! He objected to this system of picking the pockets of the public by what were termed public improvements.

Bill read 3°, and *passed.*

The House adjourned at a quarter after One o'clock.

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HOUSE OF LORDS,

Wednesday, June 23, 1852.

Their Lordships met; and having transacted the business on the Paper,

House adjourned till To-morrow.

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HOUSE OF COMMONS.

Wednesday, June 23, 1852.

MINUTES.] PUBLIC BILLS.—*Reported.*—Colonial Bishops.

3° Public Health Act (1848) Amendment; Friendly Societies (No. 2); Crime and Outrage (Ireland); Patent Law Amendment; Incumbered Estates (Ireland); School Sites Acts Extension; Property of Lunatics; Distressed Unions (Ireland); Metropolitan Sewers.

COLONIAL CHURCH.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

MR. GLADSTONE: Sir, I will explain to you with great brevity the object of the Motion which I am about to make—

SIR JOHN PAKINGTON: I have no desire to interrupt my right hon. Friend, but for the sake of regularity I would ask, how this subject comes to be brought on as an Order of the Day, instead of a Motion?

MR. GLADSTONE: That is a point of form which perhaps Mr. Bernal will allow me to explain. It was in consequence of a previous Motion in the House that the Committee was made an Order of the Day.

MR. BROTHERTON: As this question is likely to lead to considerable discussion, I think it would be for the convenience of the House to proceed with the other Orders first.

SIR JOHN PAKINGTON: This is, in fact, a Motion, and it will be a deviation from the usual practice, if it be allowed to take precedence of Orders of the Day.

MR. GLADSTONE: On the contrary, it is in conformity with the usual practice, and no deviation from it.

MR. BERNAL: It appears from the Votes that the Committee upon the subject was fixed for this day; the right hon. Gentleman (Mr. Gladstone) is therefore entitled to proceed.

MR. GLADSTONE: I believe, Sir, I am correct in saying that the course that has been taken is one of strict regularity. It is the course which I used always to pursue when the Bills which I had to introduce on the part of the Government required a preliminary Committee. I made the Committee an Order of the Day, and gave notice as a Motion of the Resolution intended to be moved in Committee, and in that way I informed the House fully of the proceeding about to take place.

Sir, the immediate object of this proceeding I stated the other day in answer to the right hon. Gentleman the Secretary for the Colonies. It is, in point of fact, simply to enable me to do that which, if the Bill which I introduced into this House had been read a second time, I should have been able to do as a matter of form and a matter of course, by the indulgence of the House, namely, to pass that Bill through a Committee of the House *pro formâ*, in order to introduce certain amendments, so that when it came to be considered definitively and in detail by the House, it might be considered by them in the best form in which I was able to bring it before them. The change of intention on the part of Her Majesty's Government in respect to that Bill altered my position. My intention had been, if the second reading of the Bill had been supported by the Government, to introduce such amendments in it as I might have seen cause to adopt, either from my own consideration of the question, or from the suggestions of others; and having introduced these amendments, then to let the Bill go forth to the Colonies, to be considered there during the recess, so that we might have further light on the subject whenever we might again approach it in another Session of Parliament.

But the second reading of the Bill having been opposed by the right hon. Gentleman, I had to consider the course I ought to take, and I made up my mind that it was not desirable that I should press the Bill to a second reading; and for this reason—I am bound to say, amongst others—that in 1850, when I made a similar proposal for Australia, only under circumstances much more disadvantageous, and with information much less perfect, that proposal of mine was warmly and energetically supported by most of the members of Her Majesty's present Government, and undoubtedly, therefore, I was unwilling to place them in a position in which they would have been obliged either to stultify their former proceedings, or else to dissent from the course that their responsible colleagues recommended. I should also of course say that, in the present condition of the House and of the Parliament, it was impossible practically for me, as an individual Member, to have any hope of carrying or passing the Bill into a law. For these two reasons principally I determined not to press the second reading of the Bill. That being so, I have to consider the course I ought to pursue.

That Bill, I am glad to hear, has attracted considerable notice. The subject has become one of the greatest and most pressing interest in every Colony which the Bill affects. The Bill will go forth to the Colonies, and be much considered and discussed there during the recess; and I hope it will be the unanimous feeling of the Committee that it should go forth in the best form in which I, as a private Member of the House, am capable of producing it. The Committee will understand that the Bill which I have already introduced has not been rejected by the House, but stands in the condition of having been read a first time, and waiting a second reading. I do not ask the Committee to give any further sanction to the amended form of the Bill, which I must now introduce as a separate Bill, than has already been given to the first Bill. I simply propose that a Resolution should be passed by the Committee, and a Bill introduced on that Resolution; that that Bill may be printed and sent forth to the Colonies; and that those interested in the subject in our different Colonial possessions may in this manner have the opportunity of considering the proposal in its most correct and amended form.

And now, Sir, having said that I ought to explain to the Committee generally the nature of the amendments which I propose to make in the Bill, and the reasons which have led to those amendments, I am very well satisfied upon the whole with the position in which this question stands, because I think that the discussions which have taken place upon it have been the means of propagating a good deal of information both in this House and likewise in the country, and of establishing the main facts, which are now fairly brought home to the mind and conviction of the House—the facts on which the case for legislation rests. It has been admitted on all hands during this Session, without I think a single dissentient voice, certainly without a single distinct expression of dissent, that it has become necessary that we should have some legislation for the purpose of devising a mode for the management of ecclesiastical matters in the Colonies. This was asserted most distinctly and most positively by the right hon. Gentleman the Secretary for the Colonies, and he pointed out, as I thought very fairly and very justly, the main reasons why some mode of legislation for the management of such affairs had become necessary. Sir, besides the unequivocal establishment of the necessity for legislation, I must say I think it has become quite clear what is the kind of legislation that we must adopt.

There are two modes, as I have ventured previously to observe to the House, in either of which you might proceed. One of them is to erect, by positive Parliamentary enactment, a working system of ecclesiastical machinery in the Colonies. You might, if you thought fit, erect Ecclesiastical Courts and give power to constitute synods and pass canons in those synods for the regulation of the government of the Church in our Colonies. That is one mode of proceeding. The other mode of proceeding is to remove the doubts and the probable disabilities which at present have the effect of direct restrictions, and involve the whole matter in a mass of confusion, so as to render it impossible for the parties who are interested in it to move to supply their practical necessities. Therefore it is necessary to remove those doubts and disabilities, and leave them to make such provisions as circumstances seem to require. The latter of these modes is the one which I propose to the Committee to pursue, and I am convinced it is the mode in which the House in a future Session, and that a very early Session, will inevitably pursue. And if I advert to the former, it is merely because, in one portion of the speech delivered by the right hon. Gentleman the Secretary for the Colonies, he used words which to me, I confess, bore an ominous sound. I am not quite sure whether they were his own words, or whether he quoted them from the letter of the Primate of the Church of England; but they were words somewhat to this effect—that after due consideration and correspondence with the Colony, it would not be difficult to frame a measure after the model, or upon the basis of the Church Discipline Act passed for England ten or twelve years ago, which would answer all the proposed objects.

SIR JOHN PAKINGTON: They were not my words.

MR. GLADSTONE: Whether they were the words of the right hon. Gentleman or of the Primate, they were words of course to which great importance must be attached. It is on that account that I advert to them, because I wish at the earliest moment to enter my protest against any attempt to pass any such law. I am convinced that no British House of Commons will ever carry into effect any such principles of interference with the domestic legislation of the Colonies as is there suggested. You certainly might proceed in this matter by direct enactments, yet practically that is just as much out of the question as if it did not lie within the limits of the speculative omnipotence of Parliament. No such thing can seriously be entertained as a practical proposal. The question lies between passing a relieving and permissive Bill on the one hand, and doing nothing at all in the matter on the other. I think the sense of this House has been distinctly expressed, as far as it could be gathered from the sentiments of hon. Members, in favour of passing a relieving and permissive Bill, but I think one statement made by the right hon. Gentleman the Secretary of the Colonies on the subject of this particular Bill; was so much calculated to raise misapprehension and misunderstanding that it is necessary that I should briefly advert to it.

I understood the right hon. Gentleman—and he will correct me if I was wrong—to urge this main objection to the Bill. In the first place I understood him to say, that we were not yet in possession of adequate information from the Colonies themselves, and that we could not tell what their wishes distinctly might be on the subject; and especially and specifically the right hon. Gentleman referred to a letter from the Bishop of Sydney, the metropolitan of Australia, addressed to the Archbishop of Canterbury, in which the Bishop of Sydney, according to the passage quoted by the right hon. Gentleman, appeared to contemplate a series of measures in consultation with the clergy and laity, for the management of the Colonial Church, and the anticipation of at length arriving at some decision on which were to be founded suggestions to Parliament, from which we might understand what the wishes of that portion of the Colonial Church might really be. Now, Sir, as regards that objection, I confess I heard it with surprise, because I had told the right hon. Gentleman long before, that we were in possession of the wishes of the Bishop of Sydney. That I was myself aware of them from private sources, and besides that, that they had been published to the world in Minutes of the Conference of the bishops, held at Sydney, in the year 1850, in which Minutes it appears to me their desires were distinctly expressed, so far as they were concerned, that Parliament should enable and authorise them to set about the management of their own concerns. I asked the right hon. Gentleman to be so good as to lay on the table the letter of the Bishop of Sydney; and he, with the kind concurrence of the Archbishop of Canterbury, acceded to my request. I must confess, when I received that letter, it was with some surprise that I found that, in the letter itself, there was a passage which was not quoted by the right hon. Gentleman, and which was distinctly and entirely to the effect of the communication I had made to him, and entirely to a contrary effect from the passage quoted by the right hon. Gentleman, from a subsequent passage of the letter, when taken alone. I have no doubt the right hon. Gentleman did not perceive this contrariety; but I wish to quote the words because I felt it my duty, in making a proposal of such an important nature, to assure myself that I was in possession of the wishes of the parties principally concerned. The Bishop of Sydney, in the letter to the Archbishop of Canterbury, dated the 1st of December, 1851, says—

> "I entirely concur with your Grace in thinking that no satisfactory terms of ecclesiastical legislation upon our concerns could be proposed in England without a suggestion derived from ourselves, as to the safest and best means of removing the embarrassments under which we find ourselves labouring. But I had hoped that the minutes of the meeting of the bishops of the province last year, of which your Grace had received a copy, might possibly be regarded as embodying a sufficiently definite expression of our wants and wishes."

And then, no doubt, the Bishop of Sydney, having been told from England that it would be necessary to pass something like the Church Discipline Act, goes on to say, with reference to such a proposal, that they must have meetings of the clergy and laity to ascertain in what form it should be passed. But I refer to this letter, for the purpose of showing that when I proposed to the House to legislate, I was not, as the right hon. Gentleman said, or implied, if I understood him rightly, proceeding in the dark as to the wishes of the Bishop of Sydney, or any other bishop, or any of the clergy and laity, but that as far as the Bishop of Sydney and the other bishops were concerned, when they sent home these Minutes, I considered them to embody sufficiently the expression of their wants and wishes.

The right hon. Gentleman made three objections to the Bill. He said the Bill was so worded that it was difficult to say what the effect of it would be, but probably its effect would be threefold: first of all, to place the Church of England in a state of dominance; secondly, to break up the Church of England into a number of small separate churches; and, thirdly, to destroy the supremacy of the Crown. And I must say I greatly regretted the exaggerated tone that run through the whole of the observations of the right hon. Gentleman—a tone so exaggerated that it is quite plain that, if it was justified by the enactments of the Bill, every hon. Member would have been entitled to say to him, if the Bill contains these monstrous enactments, how in the world was it possible the Government ever could have given their consent to its second reading.

Now, let us look at these objections one by one. The right hon. Gentleman the Colonial Secretary said, in the first place, the Bill would place the Church of England in a state of dominance. Half an hour afterwards my hon. Friend and Colleague (Sir R. H. Inglis) rose, and, as I thought, with much greater reason, objected to the Bill, because it reduced the Church of England in the Colonies to the legal level of Dissenting denominations. The right hon. Gentleman contradicted himself on this very objection, because, after complaining that the first clause of the Bill, which said it shall be lawful for these parties to regulate their own affairs—after complaining that the clause placed the Church of England in such a state of dominance, when he came to the fourth clause, which provided that the regulations of those bodies should have no other force and effect than the regulations of other religious communions in the Colonies, he said, Why, the effect of this clause, if I understand it rightly, is to neutralise the first, and reduce it to a nullity. Then what becomes of the objection that the Bill would place the Church of England in a state of dominance?

The right hon. Gentleman next says it will break up the Church of England. He says, one thing will be clear—each diocese will become a separate Church, and the separation from the Church of England will be complete. Now, in what singular manner did the right hon. Gentleman prove that this separation would be complete? He proved it in this way: He had before him the Bill, the tendency of which was to place in the hands of the bishops, clergy, and laity of the Colonial Church, subject to whatever restrictions Parliament might think fit, the management of their own affairs. Says the right hon. Gentleman, "That will lead to the complete separation of the Colonial Church from the Church of England;" and this he proved by quoting the sentiments of bishops, the sentiments of the clergy, and the sentiments of the laity, and showing that these parties, one and all, were eager for the maintenance of the connexion with the Church of England. And so the effect of giving these parties a power over their own Church concerns—these parties being anxious to maintain their connexion with the Church of England—will be to destroy that connexion with the Church of England.

The third great objection was, that it would destroy the supremacy of the Crown. Sir, I am rather unwilling to advert to this subject, but I must complain of the mode of proof adopted by the right hon. Gentleman, namely, stopping in the middle of a sentence. I complain of his omitting to inform the House that the Bill required the subscription of the Thirty-nine Articles by clergymen, and that those Articles contain the most distinct assertion of the prerogative of the Crown. Now, Sir, this is a question of great importance, and one on which I will say a few words. I wish the House, in the first place, to understand that the charge that the Bill destroys the supremacy of the Crown is not only unfounded, but I must say ridiculous; because it is ridiculous to say that a measure which absolutely requires the subscription by all parties to the Thirty-nine Articles—that is to say, a solemn assent to the supremacy of the Crown—it is ridiculous to say that that measure destroys the supremacy of the Crown. But I grant it is quite another question whether I am right in declining to require that the oath of supremacy should be taken, and resting satisfied with the declaration of supremacy as contained in the Thirty-nine Articles.

The right hon. Gentleman found fault with me for not having precisely explained the enactment of the Bill in my opening speech. But the Committee will recollect that it was made under some pressure as to time. I was compelled to occupy a lengthened period in the preliminary points, namely, the present state of the law and the necessity of legislation, and the desire for legislation entertained in the Colonies. I consequently had hardly a moment left to say a word on the particular provisions of the Bill, and I was the less anxious to explain them in detail, because the essence of the Bill lies in its relieving clauses. The question, what particular restraints you should retain, is a question which I think requires much consideration, which I leave fully and fairly open to the discretion of Parliament. But my belief is—partly founded on what I know of the sentiments of persons in the Colonies, and partly founded on what we have seen taking place in the American Episcopal Church—my belief is that this connexion with the Church of England is in no danger whether your restrictions be many or few. To me it is a question of policy or expediency how numerous or how few should be the restrictions. The will and affection of the parties themselves is the sure foundation on which the connexion with the Church of England will rest. If you are apprehensive of dangers, insert restrictions. I don't object to them. If you are not apprehensive, leave the Bill with as few restrictions as you think fit.

But this being a question of importance, I wish the Committee to understand the principle on which I proceed, because, in amending the Bill, I propose to leave these provisions as they stood, with the exception of the case of missions in foreign lands, which is a new subject. I propose that the doctrine or principle of supremacy shall be asserted as it stands in the Thirty-nine Articles, and in no other manner. I take that course because we are not now providing a legislative system for the Church in the Colonies—we are not now saying whether the Oath of Supremacy shall be taken in the Colonies or not—we are simply inserting in this Bill a series of disabling provisions. We are saying to each of the Colonies, you may, if you think fit, undertake the management of your own affairs, only there are certain things which you shall not do. Now, the principle which I lay down with regard to these disabling provisions is elementary and plain. It is this, that you should not disable them from doing anything except that which it would be positively mischievous they should do; you must not impose restraints on them unless you show a case of necessity for those restraints. Now, how could you show a case of necessity for their taking the oath of supremacy, when they already make a solemn declaration in favour of supremacy.

The taking the oath of supremacy may

may be a very proper measure, and is a very proper measure so far as England is concerned. Here the question of supremacy has been a great public and national question ever since the date of the Reformation. Nay more, at the period of the Reformation it really was the dividing line. It was the hinge upon which, at the commencement of the reign of Queen Elizabeth, the whole matter of difference between the reformed and the unreformed religion turned. Historically, the oath of supremacy is a great foundation of the Constitution—and not only that, but it governs the tenor of our laws—and our Church being the Established Church, the doctrine of supremacy applies itself in one form or other to almost every proceeding that takes place by the public authority of the Church. But the question whether the oath of supremacy is the best mode of asserting the supremacy in a colony where we are going to place the Church on the foundation of a voluntary establishment is an entirely different question. What do I propose? Do I say they shall have no oath of supremacy? Certainly not. But I say I will leave it to them whether they will assert the supremacy, as it is contained in the Thirty-nine Articles, or retain the present form, and assert the supremacy likewise in the shape of an oath. I need not go further than to indicate the principle on which I proceed in this matter. It is plainly and distinctly that principle on which I wish to proceed in all Colonial affairs, whether civil or ecclesiastical—that every question in which you cannot show an Imperial interest, shall be left to be dealt with and managed by the Colonies themselves. You may appeal to the passions and prejudices of men; and those who will condescend to drag party feelings, and especially religious party feelings, into a discussion of this kind, can always do so with great facility. But, looking on in calm reason, the question is, can you show a case of Imperial necessity for compelling these parties, after having declared the doctrine of supremacy with the same solemnity as the doctrines of the Christian faith—can you show that it is necessary for them to assert in another form the doctrine of supremacy? It is on the principle that restraints ought to be reduced to the minimum, and that every restraint not absolutely necessary ought to be left to the parties themselves, that I do not wish to insert in the Bill anything which makes it necessary for them to take the oath of supremacy, but to be satisfied with the declaration as it is contained in the Thirty-nine Articles.

There is another point connected with supremacy, to which, when the Bill comes under consideration, the attention of the House should be called, although it was noticed in the former discussion by the right hon. Secretary to the Colonies. It is this. The question has been raised, whether the regulation of those bodies which may be constituted, whether meetings, synods, conventions, or what you will, shall be subject in all cases to the veto of the Crown. That is a question which I think the House ought to have clearly before it when we come finally to determine on the precise enactments of this Bill. I have not inserted any such provision in the Bill, and my reason for not inserting it is, that I think the introduction of such a provision would be held in the judgment of the Colonies themselves, first of all to be attended with a good deal of practical inconvenience, like that experienced in the reference home of Civil Acts for the veto of the Crown; and, secondly, it might cause some dissatisfaction in Colonies like Canada, where the principle of religious equality is strongly rooted, because it would seem to give a preference to the relation between the Church of England and the Crown in the Colonies—a certain source of discontent. That is a question which the House ought to take into view when we proceed to regulate the duties of the subject. I have already stated my opinion upon it. I think the Bill would be better without such a provision, especially because it would be in point of fact calling into existence a function on the part of the Crown which does not now exist. On the other hand, I fully admit that such a provision, if it should be thought fit, is perfectly consistent with the principle of the rule I have laid down, and which I have not the least doubt will be fully recognised by the colonists. It appears to me that the real and practical relation between the Crown and the Colonies is a relation of patronage, sometimes through the medium of the Government, but principally through the medium of the Secretary of State in reference to bishops; that the prerogative of the Crown is the real bar. That being so, I propose to preserve to the Crown that real power, and that no Bill shall be held to authorise any such regulation unless with the consent of the Crown.

Now, Sir, the main reason for which I

have been anxious to effect these corrections of the Bill is this: the Amendments which I have made in the Bill are, in my view, undoubtedly verbal amendments, and amendments of detail. There is nothing to be altered in the Bill, in my view of it, that touches its principle. But, on the other hand, I am bound to admit that both the right hon. Gentleman the Colonial Secretary, and the hon. and learned Gentleman the Member for Aylesbury (Mr. Bethell), who approached the subject in a spirit of great fairness and candour, do think that the Bill will create a positive legislative power in the hands of the Church in the Colonies. Now that is a question entirely turning on the force and effect of a certain form of words; and my object being to preclude any such effect, I have altered the first clause of the Bill so as to render the object more clear. Instead of saying, as was said in the first print of the Bill—" that it shall be lawful for the bishop, with the clergy and laity," to make such and such regulations, I propose to omit the words " it shall be lawful," and to say that " no statute, law, rule, usage, or other authority of the United Kingdom shall be construed, or shall extend to prevent any such bishop of any diocese in the Colonies enumerated in the Schedule A to this Act annexed," &c., from doing the same things that were contemplated by the former clauses of the Bill. Now, Sir, my object is to make this Bill a relieving and permissive Bill. It was thought that I had made it a relieving and enacting Bill. I am glad to make the change. I must not disguise from others that, although to me this is a verbal change, yet others who thought that a legislative power was conferred under the former words do look on this as an important change in the phraseology of the Bill.

There is another important change with respect to some Colonies, which is a distinct reservation of the power of the Colonial Legislatures. I do feel that such reservation is absolutely necessary, because I think that when you simply say nothing contained in the law of this country shall be held to prevent parties from performing in their private capacity certain acts, you don't raise any presumption that the power of the Colonial Legislature to prevent them is interfered with; but you may prevent doubts, and I therefore propose to end the clause with these words:—" Subject always, as at this time, in common with all other religious communions, to the authority of the local Legislatures respectively, and to such provisions as they may think proper to enact." I don't think it necessary for me to mention to the House any other of the changes that I propose to introduce into this Bill, because they are strictly verbal changes; except one of some importance, on which I will say a word. The right hon. Gentleman took exception to the words " declared members of the Church of England." We do not know in this country what a " declared member of the Church of England" is. But in many of the Colonies it has an established, fixed, and legal meaning, and is the only word that has such meaning. In Van Diemen's Land, and other of the Colonies, where it is the practice, in taking the census of the Colony, to note down the religious persuasions, each man is called upon to enter his religious persuasion, and that forms both the best legal and practical mode of showing to whom the Bill is intended to be applicable. With respect to the other Colonies, of course the Bill will have no practical effect; and therefore, in order to provide for the case of these Colonies, instead of saying simply " declared members of the Church of England," I propose to say " declared and *bonâ fide* members of the Church of England." That is the phrase adopted in some of the Acts of Parliament of the United Kingdom, and is perhaps the most fitting phrase that can be now used.

I may here observe, that by a clerical error New Zealand was omitted in the former Bill; but it is inserted in the present Bill, and I also propose to make provision for minor dependencies by inserting the words " together with the dependencies of the said Colonies respectively." I think that I have now stated all that is necessary to render intelligible my object in proposing this Bill. What I wish is, to place it in precisely the same position as the former Bill; that is, to have it laid on the table and printed, and sent out to the Colonies in a correct and not in an incorrect form. Although on some accounts I most deeply regret any delay in legislating on this subject; yet, on the other hand, I admit that it is desirable to proceed cautiously, and with the fullest information, so that when we come to the further consideration of the question in another Session of Parliament, we shall come with more light, and a clearer knowledge of the wishes of the Colonists, and better means of determining on our course than if we had now proceeded to pass the measure into a law. Sir, I will now move the Resolution of which I have given notice.

Motion made, and Question proposed—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill to relieve Bishops in the Colonies in communion with the Church of England, and the Clergy and Laity in communion with them, in respect to legal doubts or disabilities affecting the management of their Church affairs."

SIR JOHN PAKINGTON: Sir, in the speech which I thought it my duty to make a few weeks ago on this subject, I stated, with the greatest sincerity, and I repeat it now, that I did not entertain a moment's doubt that the right hon. Gentleman the Member for the University of Oxford, in bringing forward this Bill, had been actuated by the purest and most conscientious motives; and, Sir, I don't know anything in my public life that has given me more pain than the distressing feeling that in commenting on this Bill, and on the language of the right hon. Gentleman, I have given him any personal offence. I must declare that, in the previous stages of this Bill, I almost exhausted courtesy in my communication with the right hon. Gentleman. Remembering the kindness which has long existed between us, so far was I from feeling any desire to make a public exposure of this Bill, that on three several occasions I communicated with the right hon. Gentleman on the subject; and on the very day on which I made the speech to which he has referred, I wrote to him in the kindest terms expressing the regret which I felt at being compelled to speak freely of his Bill, but stating at the same time that I was compelled to oppose it. The right hon. Gentleman in the course of his speech has spoken of persons who would "stoop and condescend to use religious party cries, to attain an object." Now I wish to know whether those expressions were intended by the right hon. Gentleman to apply to me?

MR. GLADSTONE: The right hon. Gentleman has not quoted the expressions I used. I spoke simply of the effect of the introduction of party cries into a debate. I said nothing about the perverse or corrupt introduction of them for the purpose of attaining an object. I spoke of their unnecessary and gratuitous introduction.

SIR JOHN PAKINGTON: The words of the right hon. Gentleman were, "stoop or condescend to drag religious party cries into a debate in order to attain an object."

MR. GLADSTONE: No, not in order to attain an object.

SIR JOHN PAKINGTON: All I can say is this, that the answer of the right hon. Gentleman to my question has not been very distinct. But this I say, that if he intended to apply those terms to me, there are no terms too strong to express the indignation with which I utterly repudiate them. Now, Sir, I pass to the remarks of the right hon. Gentleman, and I must say that I think the course he has taken has been one of considerable inconvenience and considerable deviation from Parliamentary practice. We have heard of protracted debates, but so protracted a debate as this has hardly ever been known. The right hon. Gentleman moved the second reading of the Bill in the month of April. He did so at a time when I remonstrated against his going on, because I pointed out the extreme importance of the Bill, and the absolute necessity, as a matter of duty on my part, of replying to his speech. The right hon. Gentleman, however, was deaf to that appeal.

MR. GLADSTONE: You were going to support the second reading.

SIR JOHN PAKINGTON: If the right hon. Gentleman thinks that I had the slightest intention of supporting that Bill, he is utterly mistaken.

MR. GLADSTONE: The second reading. The right hon. Gentleman stated so.

SIR JOHN PAKINGTON: I will explain. So strong was my feeling of courtesy towards the right hon. Gentleman, that, knowing his good intentions, I allow I did agree to a certain extent to the principle of the Bill. I was anxious to consider it, and, if I could, to allow the second reading to pass, but it would have been with the most distinct intimation that I could, as a Minister, allow it to go no further; and it was not till after the most careful consideration, and consulting the most eminent legal authorities, that I came to the conclusion that it was inconsistent with my duty to consent to the second reading. In spite of my remonstrance the right hon. Gentleman addressed a speech to the House at a time when it was absolutely impossible for me to reply to him, and that speech must consequently have produced its effect in the Colonies, although entirely unanswered by any Minister of the Crown. When, three weeks afterwards, I was to make my reply, the right hon.

Gentleman came down to the House, and he then said, in consequence of my having told the day before that I should object to his Bill, "No, we will not have the debate now, we will put it off."

MR. GLADSTONE: I beg to deny that most expressly.

SIR JOHN PAKINGTON: The right hon Gentleman wrote to me a private letter on the morning that I was to make that speech, to tell me—and I can show him the letter if he wishes it—that as I intended to object to the Bill he should propose to postpone the debate for another fortnight.

MR. GLADSTONE: I object very much to that statement. The right hon. Gentleman told me that it was his wish to enter on the debate, and I said that I could not make the smallest objection to his taking that course.

SIR JOHN PAKINGTON: The right hon. Gentleman had no power to object. But I repeat that I got a letter from him on the morning that I was going to object to the Bill, in which he said that as it was my intention to speak against the measure, he should propose to postpone the debate, which had then been an adjourned debate, for another fortnight.

Mr. GLADSTONE: That I would postpone the second reading of the Bill, not the debate.

SIR JOHN PAKINGTON: The result of which would have been that I, on the part of the Government, should have stood before the Colonies, and before Parliament, as objecting to the Bill without having been able to give any public explanation of my reasons for doing so. Of course I could not consent to that arrangement. I therefore intimated to the right hon. Gentleman that I could not consent to that course, and I stated my objections to the Bill. But I did this: I told the right hon. Gentleman that I would conclude with a Motion in order to set him free to reply to anything I might say, so as to enable him to speak again. Now, I think that in so doing I took the most courteous course that could been adopted. Although three weeks had intervened, the right hon. Gentleman, according to the forms of the House, could not speak again on the question. I therefore concluded with a Motion that we should pass to the other Orders of the Day, thereby setting him free to speak again on the subject; but he did not feel himself disposed on that particular occasion to reply to the speech that I had made. He said a few sentences, indeed, showing, I am sorry to say, a feeling which I had not intended to excite, and making a complaint to which I will hereafter advert; but he did not reply to my speech. Five weeks have since elapsed, and now, after three weeks had intervened between the first and second speech, and five weeks from the latter time until now, the right hon. Gentleman comes forward, for the third time, and makes an elaborate reply to a speech of mine delivered five weeks ago. Why, if I were to follow the course of the right hon. Gentleman, I should give notice that in the next Session of Parliament—supposing the right hon. Gentleman and myself to have seats—that I should reply to the speech which he has just made. But I shall not take that course, but will make my reply now; and I can assure the House, if they indulge me, that I shall express by no means at length all that it is necessary for me to say in consequence of what has fallen from the right hon. Gentleman this morning.

The right hon. Gentleman first stated his reasons for not proceeding with the second reading of his Bill. One of these was his extreme anxiety that the Government, on their part, should not stultify themselves by opposing the Bill. To which of my Colleagues the remark of the right hon. Gentleman is intended to apply, I do not know. I can only say that I am extremely sensible of the tenderness evinced in that observation towards any Member of the Government to whom it may apply. But I certainly feel, if there were any Member of Her Majesty's Government who years ago voted for certain clauses moved by the right hon. Gentleman to be inserted in the Australian Government Bill, that they should not now be prevented in consequence of this from exercising their discretion in regard to a measure open to those grave and serious objections which on a former day it was my duty to point out. The right hon. Gentleman then proceeded to refer to the interest which was felt in the Colonies on this subject, and here there is no difference between us, for since the last debate I have had further proofs of the fact by the reports of proceedings in the Colonies. Then the right hon. Gentleman commented, in a manner on which I must make some remarks, upon the opinion which I expressed that we ought to postpone legislation on this subject pending the reference made by the Archbishop of Canterbury to the Bishop of Sydney. I then thought, and I still think, that to proceed in this House upon such a subject, pending a reference between such parties, would be neither more nor less than indecorous and improper. I think it would be a most precipitate proceeding, and on that ground alone I could not—occupying the position in which I stand—make myself a party in offering what I think would be a great mark of disrespect to the Archbishop of Canterbury and to the Bishop of Sydney. And when the right hon. Gentleman tells me that there is a great discrepancy between the first part of the Bishop of Sydney's letter and the part which I recited, I altogether repudiate the charge. I deny the discrepancy.' It is perfectly true that in the early part of that letter the Bishop of Sydney expresses a hope he entertained that the minutes of the conference of the bishops sent back to this country might have been held to be a sufficient indication of their wishes. But there are very good grounds for concluding that, for purposes of legislation, those minutes would not have been sufficient. They do show, I grant you, the wishes of those bishops for a certain mode of acting in the Colonies, but they form no groundwork for legislation in this country. Besides which, I pointed out on a former occasion that the proceedings of that very synod or assembly of bishops had excited great alarm and uneasiness both amongst the clergy and laity in several Colonies. I think, therefore, it would be a great mistake to accept that expression of opinion on the part of the bishops as a sufficient basis for legislation. I think, on the contrary, both from the Bishop of Sydney's letter and from what is now taking place in Tasmania since the receipt of the Archbishop of Canterbury's letter, that we shall reap the full benefit of delay, and when the right hon. Gentleman tells me that he is acquainted with the wishes of the Bishop of Sydney from private sources—

MR. GLADSTONE: And from public.

SIR JOHN PAKINGTON: I should like to know whether I could have ventured, from the right hon. Gentleman's private correspondence with Australia, to recommend in a matter of this importance and interest, in which the Archbishop of Canterbury was seeking information from the highest authorities in Australia, that a measure should be passed founded on such private information. The House will see that it would be entirely out of the question. Then the right hon. Gentleman proceeded to notice the three objections which he said I made to the Bill, and he stated that they were very exaggerated objections, and that this measure was not open to what he called—for I took down his words—the preposterous tendencies and monstrous enactments which I had imputed to it. Now, I am sorry to say that, upon listening to the speech of the right hon. Gentleman, after the intervening time which he has had for reflection, I can recede from none of my grave objections to that Bill, and I have elicited no reply from the right hon. Gentleman with regard to the three objectionable tendencies which I then pointed out. One of those objections was founded on the tendency of the Bill to break up the Church of England into what I called separate fragments. The right hon. Gentleman in his speech this morning stated that I had attempted to prove this objection by quoting from certain letters and addresses of the bishops and other parties in Australia. But the right hon. Gentleman is quite mistaken in this statement, and he must have entirely forgotten the mode in which I argued. I did advert to those letters and addresses; but I did so for this reason, in order to show that the right hon. Gentleman, in breaking up the Church of England into fragments, and in omitting the Oath of Supremacy, was not consulting the wishes or the views of those parties in Australia; but when he says that I founded my argument with regard to the effects of the Bill, and its tendency to break up the Church of England into fragments, on those addresses from Australia— [MR. GLADSTONE: I never said so.] The right hon. Gentleman then must have entirely forgotten the line of argument that I used. I founded that part of my case, not on representations of parties in Australia who never saw the Bill, but on arguments which were drawn entirely from the language of the clauses themselves. Sir, I told the House then with what diffidence and hesitation I, being myself a civilian, approached a question of this important nature. I did not, however, shrink from the duty which I thought was imposed upon me; I exposed the injurious tendencies of the Bill; and what followed? Was I the only speaker in that debate? No; I was followed by my hon. and learned Friend the Attorney General; next by the hon. and learned Gentleman the Member for Aylesbury (Mr. Bethell); and, thirdly, by the hon. and learned Gentleman the Member for the city of Oxford (Sir W. P. Wood); and, on a question of law, I think we need not turn to three higher authorities. With regard to my hon. and learned Friend the Attorney General, perhaps the House may say that he is a Colleague of mine, and therefore would be slow to expose any erroneous view that I might take on a question of law. But this objection will not apply to the hon. and learned Member for Aylesbury; and least of all will it apply to the hon. and learned Member for the city of Oxford, whose private wishes and leanings, if I am not mistaken, would be rather towards the legislation of the right hon Gentleman (Mr. Gladstone) than against it. But my hon. and learned Friend the Attorney General confirmed the view which I had taken; the hon. and learned Member for Aylesbury did me the honour to say that he need not enter into the law of the case, for that I had so clearly expressed what would be the legal effect of the Bill, that if he entered into it, it would be only to repeat what I had said; and the hon. and learned Member for the City of Oxford, beginning his speech with an admission, which I confess gave me great pleasure after what fell from the right hon. Gentleman (Mr. Gladstone)—namely, that the course which I had taken was perfectly courteous to the right hon. Gentleman—beginning his speech with this admission, he did not say a word—and I watched what he said with great anxiety—to invalidate the view of the law which I had taken. I said I thought that that was one of the objectionable tendencies of the Bill. The remaining point of the right hon. Gentleman's speech was the argument into which he entered with regard to the Oath of Supremacy. He complained that in my speech, when dealing with the clause, I had left out the fact that although the Oath of Supremacy was dispensed with, a clergyman on being ordained should still subscribe to the Thirty-nine Articles—

Mr. GLADSTONE: The obligation of subscribing to the supremacy of the Crown is not dispensed with.

Sir JOHN PAKINGTON: I do not think it wise to enter upon that point at present. I had no idea that it would be made a subject of complaint; and as it has been made a subject of complaint, I am extremely sorry that I did not mention the fact. But it is unimportant to the argument which I used, for this reason: although it is true that the 37th Article asserts the supremacy of the Crown, I could never have supposed that the right hon. Gentleman would have dispensed with subscription to the Thirty-nine Articles, because one of them asserted the principle of the supremacy of the Crown. I did not suppose that any of the Articles were to be dispensed with; and no one could have anticipated the introduction of a question which would be totally inadmissible on an admission of the kind. I was merely discussing the principles of the Bill which was before me, and I commented on the remarkable fact, which remains a fact, and cannot be denied, that under the clause to which I adverted, it would have been for the first time possible for a clergyman to be ordained without taking the Oath of Supremacy, by simply subscribing to the Oath of Allegiance. Now, I argued that, taking that clause in connexion with the power given by the first clause, of making regulations and canons without the authority or the consent of the Crown, the supremacy of the Crown, long asserted, long maintained, and undoubtedly existing, would have been in this case dispensed with. That was the argument I used, and I must say that the right hon. Gentleman has not said anything this morning to weaken it. I shall no longer dwell on that part of his speech, and it must be left to the House and country to attach that weight to it which they may think it fairly entitled to; but for my own part, I do not think that it touches the argument that I formerly used in support of the opinion which I then expressed. I am not aware that I need detain the House any longer. I have not the least wish to impede the right hon. Gentleman's desire to reintroduce this Bill, but I must point out this difficulty on a matter of form. The right hon. Gentleman has now moved for leave to bring in this Bill in precisely the same form, word for word, in which he introduced it before.

Mr. GLADSTONE: No. It is reprinted, and the title is amended.

Sir J. PAKINGTON: Well, I merely alluded to it as a point of form; but, so far from having any wish to impede the right hon. Gentleman from bringing in an amended Bill, I give my hearty consent to it, and I can only express my hope that the second edition of the measure may be free from those grave objections which, in my opinion, attached to the first. I must further express my intention of reserving to myself the right of taking whatever course I may think proper in the exercise of a full and unfettered discretion in a future Session of Parliament. After what has passed, of course I shall not consider myself in any degree exonerated from the intentions which in my former speech I expressed, namely, that if this question, on which such earnest expectations and desires are entertained on all sides by our fellow churchmen in the Colonies, were not dealt with satisfactorily by some other person, and unless there should be some legislation upon it in which I could concur, I should certainly consider it my duty to move in the matter myself. On the other hand, while I readily consent to the Motion of the right hon. Gentleman for the reintroduction of his Bill, I must say, with equal distinctness, that if that Bill should be free from those objections to which the first was open—if, after the communications from the Colonies which we are expecting, I should believe the Bill to be well calculated to meet the wishes of the Colonists, to remedy deficiencies, and to bring about that amended state of things on this important subject which we all desire to see, there will be no Member of this House, whether in office or out of it, more ready than I will be to support the right hon. Gentleman.

The CHAIRMAN said, he must beg to ask the right hon. Gentleman (Mr. Gladstone) if he would have the kindness to point out for the opinion of the Committee in what respect the Resolution which he now proposed differed from that which he before submitted to the Committee—not any alteration as to mere additional words, but in point of spirit. If it were not found to be so altered in its spirit, and if the change were only a verbal one, then this was only reiterating a discussion which had, in fact, dropped, and endeavouring to pass another preliminary Resolution exactly like that which the right hon. Gentleman formerly proposed.

Mr. GLADSTONE said, he had understood that the course which he had pursued with respect to the reintroduction of a Bill which had not passed the second reading was perfectly regular. He had always understood that the course for any hon. Member to take who had not obtained a second reading for a Bill which he wished to amend, was to withdraw it, and move another Resolution.

The CHAIRMAN said, that he had felt it to be his duty to call the attention of the Committee to the fact, but that the question was one which ought to be decided by the House and by Mr. Speaker. On a former occasion the right hon. Gentleman ad moved—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill to relieve Bishops in the Colonies in communion with the Church of England, and the Clergy and Laity in communion with them, in respect to legal doubts or disabilities affecting the management of their Church affairs."

The present Resolution was to the same effect, with the exception of the words "clergy and laity."

Mr. HUME begged to ask, if the Committee could not sanction the same Resolution a second time?

The CHAIRMAN said, that he did not remember an instance, but he could not take upon himself to decide the point.

Mr. GLADSTONE said, he apprehended there could be no doubt that the same Bill might be introduced twice in the same Session. This course had in fact been taken in the case of the Australian Government Colonies Bill in 1850.

The CHAIRMAN hoped the right hon. Member did not suppose he was acting factiously in the objection he had taken. [Mr. Gladstone: Hear, hear!] He did not remember any previous instance of this kind, and therefore thought it his duty to communicate to the Committee the doubt which he entertained on the subject, and to point it out for their consideration and judgment.

Sir JOHN PAKINGTON was sure that no hon. Gentleman wished to obstruct the introduction of the Bill. The better course would be to consult Mr. Speaker.

Mr. HORSMAN said, he must object to any postponement of the debate for the purpose of ascertaining what was the rule of the House.

[After a short delay,]

Sir FRANCIS BARING said, that he had taken means to ascertain the opinion of Mr. Speaker, and he had authority to state that it would be necessary to make some change in the form of the Resolution. It was not considered proper to pass a Resolution precisely the same as one that had been agreed to before, and it was therefore advisable that some alteration should be made.

Motion, by leave, withdrawn.

Mr. GLADSTONE said, he would now move—

> "That the Chairman be directed to move the House to give leave to bring in a Bill to explain and amend the laws relating to the Church in the Colonies."

Mr. HORSMAN said, he never remembered that House having been placed in such a position as that in which the right hon. Gentleman the Member for the University of Oxford had put it. The right hon. Gentleman had said that he wished the debate to go out to the Colonies, as he had received the unanimous opinion of the House that legislation upon the subject of the Colonial Church was necessary, and could be no longer delayed. He (Mr. Horsman) believed that the first step towards legislation was to obtain the confidence of the colonies as to the mode in which Parliament intended to deal with the question. He must say that he did not think the course pursued by the right hon. Gentleman was as straightforward and open as that of the Government. That House had received the assurance of the right hon. Gentleman at the head of the Colonial Office that the Government were prepared to bring in a measure with regard to the Church in the Colonies next Session. What good end could then be obtained by the course adopted by the right hon. Gentleman (Mr. Gladstone)? The speech of the right hon. Gentleman had gone forth to the colonies and to the public, when the Government had not any possibility of making a reply for many weeks. The principle of the Bill as represented by the right hon. Gentleman, was perfect religious equality for all denominations, and as such it had gone forth. The right hon. Gentleman had diligently canvassed hon. Gentlemen at his (Mr. Horsman's) side of the House for their support, and the hon. Gentlemen the Members for Montrose (Mr. Hume) and Manchester (Mr. Bright) had been especially solicited to assist it; but when the Bill was printed and understood, it was at once ascertained to be a measure to establish ecclesiastical tyranny, and then it was seen that the speech of the right hon. Gentleman was a delusion and a share. The fact was this question was brought forward by an active, encroaching, and not very scrupulous party in the Church, that required to be watched as much as it was distrusted. As soon as it was discovered that the lamb turned out to be a wolf, the right hon. Gentleman begged to be allowed to withdraw the Bill quietly, expressing at the same time a hope that no religious discord would be engendered by it. The right hon. Gentleman the Secretary for the Colonies had very properly refused to permit this course, as the speech to which no answer had been given was to make a Church revolution, and to overthrow a long established Church and to erect a new one in the Colonies. As soon as the right hon. Gentleman the Secretary for the Colonies had exposed the Bill, it was found that, instead of being a measure to secure religious freedom and equality, it was found to be a measure the object of which was to establish a religious and ecclesiastical despotism of the most odious and tyrannical character. The right hon. Gentleman was so entirely confounded by the exposure of the latent object of his Bill, that he could not answer the indictment, and let judgment go against him by default. He now came forward, after a lapse of several weeks and at the close of the Session, and asked leave to withdraw the Bill, and to propose another, which could not be followed by any practical result whatever. The fact was, that the right hon. Gentleman wanted to have his principles conveyed to the Colonies. If this was really his desire, why did he not, as the organ of a peculiar Church party, come forward and boldly and frankly tell the Committee what his principles were? The assumed principles of the right hon. Gentleman had obtained little favour in Parliament or in the country, and therefore he wished to make an attempt to found his Church system in the Colonies, where there was a wider field for experiment. Why did not the right hon. Gentleman at once declare that his only object was to relieve the Colonial Church from certain disabilities under which it laboured, and to confer upon it certain advantages which the Church at home enjoyed? This, however, was not the object of the right hon. Gentleman. His object was to undermine and destroy the primitive purity of the Church as established at the Reformation, and to raise in its stead a newfangled edifice, which would be nothing but prostrative of every purpose and faculty, and the establishment of episcopal tyranny and priestly domination. The right hon. Gentleman wanted to introduce synodical action, now to be established for the first time under the authority of Parliament. He declared that his purpose was not to establish the old, unpopular synod, in which the ecclesiastical element was so predominant, but that, in his synod, he would diminish the power of the bishops, which many thought too large, and increase the power of the laity, which many thought too small. It was impossible for him to introduce a synod of this sort in the first clause of the Bill; but, fortunately, the true object of the right hon. Gentleman was explained in his correspondence. The letter which the right hon. Gentleman the Member for the University of Oxford had written to Dr. Skinner, Bishop of Aberdeen, on this subject, might be considered to be the last edition of his opinions as to Church legislation in the Colonies. In that letter the right hon. Gentleman said he proposed to emancipate the Church in the Colonies by giving to her synodical action. If, said he, the Colonies were emancipated, they must begin by digging at the foundations, for the purpose of laying with elaborate care every stone in the new building; and when they got into the building, the bishops, said the right hon. Gentleman, must be made responsible for the decision of doctrine; and the initiation of all Church legislation, he said, should rest exclusively and solely with the bishops. That was the relation in which the right hon. Gentleman proposed that the clergy and laity in the Colonies should stand to each other; so that instead of the laity having powers of legislation equal to and co-ordinate with those of the clergy, as first proposed by the right hon. Gentleman, his object now was to make the bishop a spiritual autocrat, whom the laity were to approach in suppliant tones, with bended knees, and in a state of abject degradation and humiliation. That was the sort of spiritual bondage which the right hon. Gentleman, under the pretence of liberality, proposed to bring upon the laity in the Colonies. The right hon. Gentleman again came forward with a Bill to remove legal doubts and disabilities; and yet, on this second occasion, as on the first, he avoided all mention whatever of the nature of those doubts and disabilities. The right hon. Gentleman gave the Committee a general—and he (Mr. Horsman) must say not a well-founded—statement that the colonial bishops were anxious to meet in synod for the management of ecclesiastical affairs, but were prevented from so doing by fear of thereby incurring penal consequences. Of course, the right hon. Gentleman must believe that that statement was true, or he would not have made it in that House; but he (Mr. Horsman) must take the liberty of saying, that the people of the colonies had no faith in that statement. The colonial bishops had met in synod, as the right hon. Gentleman well knew, and some of their proceedings in synod were very remarkable. It was notorious that they met in synod whenever and wherever they pleased. And who was to prosecute them for so doing? For what purposes, or under what law, could they be prosecuted? There was not a man in the colonies who did not know that the fear of prosecution on the part of the colonial bishops for meeting in synod was entirely ridiculous. Whoever in this country might be imposed upon by such a statement, the people in the Colonies knew this, that the fear of prosecution was a fabrication and a sham. The right hon. Gentleman said that one of the main features in his Bill was the security which it would give to the Colonies, that all religious denominations there should enjoy religious equality. Why, the Church of England in the Colonies, as it was most improperly and incorrectly termed, was the favoured Church. That Church had received large grants of the public money. Her bishops had been selected by the Crown, and paid by the State. They had rank, dignity, and territorial authority; and, in some colonies, as members of the Legislative Council, they exercised legislative functions. And how did the right hon. Gentleman set about the establishment of religious equality in the Church? Did he propose that the Church should give up any of her emoluments, that the bishops should concede any of their privileges? In fact, did there appear in any part of the scheme of the right hon. Gentleman any intention to relinquish those rights, the relinquishment of which alone had given freedom to the Dissenters in the Colonies? The Dissenters, said the right hon. Gentleman, could meet in synod in the Colonies, and why cannot the Church of England? Because she had not put herself on an equality with them—because, in fact, she had not abandoned her connexion with the State. He (Mr. Horsman) protested against the attempt of the right hon. Gentleman to give to the favoured and State-supported Church privileges similar to those enjoyed by the religious bodies who, in order to be permitted to exercise those privileges, had consented to receive no support from the State. He protested against this attempt, under the pretence of doing nothing of importance, to give to the Church in the Colonies powers which had been wisely withheld from the Church at home. If the Church in the Colonies wanted emancipation, let her purchase it at the price which had been paid by the Dissenters for their freedom—let her relinquish the support of the State. He firmly believed that the right hon. Gentleman had brought forward fictitious grievances; and he entreated the Committee to legislate for the Church in the Colonies as they legislated for the Church at home.

SIR WILLIAM PAGE WOOD said, he rose for the purpose, in the first instance, of noticing some observations of the right hon. Baronet (Sir J. Pakington) which he thought might be supposed to hold out that he (Sir W. P. Wood) acquiesced in the legal views of the right hon. Baronet on this subject. On a former occasion only two main legal objections were offered to the plan of his right hon. Friend the Member for the University of Oxford (Mr. Gladstone). One was made by the hon. and learned Attorney General, to the effect that the proposed Bill was unnecessary, because the Act of Henry VIII. had no application to the Colonies, and would not prevent parties from assembling in ecclesiastical synod. His hon. and blearned Friend the Member for Aylesbury (Mr. Bethell) on that occasion made a speech, in which he in some degree acquiesced in the views taken by the hon. and learned Attorney General; but on his (Sir W. P. Wood's) having expressed his surprise at his hon. and learned Friend acquiescing in such views, he (Mr. Bethell) emphatically disclaimed them. The other legal point was this—that the proposed Bill would give to the Church in the Colonies a permanent and dominant authority—that it would give to the Church exclusively the power of meeting in synod. In order to meet that objection, an alteration had been introduced into the Bill, with the view of providing that nothing in any Act or law of the United Kingdom contained, should prevent members of the Church in the Colonies from meeting in synod, in a manner similar to that in which the members of other religious bodies might meet. He was glad that the right hon. Baronet (Sir J. Pakington) concluded his speech with an expression of his willingness to consent to the reprinting of the Bill of the right hon. Member for the University of Oxford. He was much surprised at the attack which the hon. Member for Cockermouth (Mr. Horsman) had made upon his right hon. Friend (Mr. Gladstone) as to the honesty of his motives in this matter. It was only the other day that the hon. Member had been pleased to charge him (Sir W. P. Wood) with being influenced by sinister motives, because he had expressed opinions favourable to the Bill of his right hon. Friend. That was the first time that his (Sir W. P. Wood's) honesty had been called in question in that House. His right hon. Friend, in bringing forward his second Bill that day had stated very plainly what were his objects; but the hon. Member for Cockermouth would not believe him, and insisted that his objects were deep and occult. The hon. Member charged his right hon. Friend with being the instrument of that party in the Church that was anxious to subvert everything, and to establish ecclesiastical despotism in the Colonies. Now, certainly, if such was the object of his right hon. Friend, he had most adroitly concealed it, for never did he see any Bill that had on its face less appearance of ecclesiastical despotism than this, which purported to give to the laity of the Church of England in the Colonies an authority and an influence which he admitted was wholly unparalleled in this country. Now, how the proposal to give to the laity an authority and power which they did not at present possess, could be said to be an attempt to establish ecclesiastical despotism, was more than he could conceive. He had always admired the manner in which the hon. Member for Cockermouth was able to fix his mind wholly upon one subject, and the ability with which he laid such subject before the House. But, at the same time, he thought that these abilities of the hon. Gentleman were attended with this inconvenience, that having so fixed his mind wholly upon one object, and having arrived at a settled view upon it before he undertook to explain it to the House, it was apparently impossible for him not to impeach the honesty of any hon. Gentleman who might happen to entertain with respect to it views different from himself. His right hon. Friend (Mr. Gladstone) had simply claimed for the Church in the Colonies such rights as were exercised without hindrance by the Roman Catholics, Wesleyans, Independents, and every other sect. He stated that he should be quite ready to give his best consideration to any improvement on his Bill which in the course of the discussion on it might be suggested by any hon. Member. He stated that if any hon. Member could point any clause which militated against that view, he would listen to him with pleasure, and receive with thankfulness any alteration that might be suggested. Now, after that, he (Sir W. P. Wood) thought it was a little too much for the hon. Member for Cockermouth to tell them that his right hon. Friend had had private conversations with the hon. Members for Manchester and Montrose, and with other hon. Members, on the subject of his Bill. It was not usual in that House to allude to such conversations, and to tell them that he had reason to believe that his right hon Friend had some concealed motive in bringing forward this Bill. The hon. Member for Cockermouth had told the House that a pamphlet which his right hon. Friend (Mr. Gladstone) had published on this subject, was intended to be taken as a schedule to the Bill. Now, he (Sir W. P. Wood) must confess he had not paid to his right hon. Friend the compliment of reading that pamphlet; but he thought it was a little too hard to impute to him (Sir W. P. Wood), or to any other hon. Member who might be in favour of the Bill, that he had subscribed *ex animo* to all the contents of that pamphlet, and approved of its being taken as a schedule to the Bill. The hon. Member for Cockermouth had stated that many of the bishops in the Colonies had already done very great mischief. [Mr. HORSMAN: Some of them.] Well, be it so; but in making such a statement, would it have been anything more than simple justice to have admitted the benefits which had been conferred by those bishops upon the Colonies? Before these bishops left this country, many of our Colonies were in a state of heathendom; there were no very long time since no clergy in that great colony of New South Wales, to which we sent all the refuse population of the United Kingdom. That population had not then even a single chaplain from whom they might derive spiritual consolation and benefit. But by the exertions of religious societies that state of things had been remedied. In one case an energetic individual, by her munificence, had endowed two Colonial bishoprics. We had now a numerous body of bishops established in the Colonies. Five years ago there was beheld the solemnity of the consecration of five of these bishops for the Colonies; and what had been the result? The clergy during that period had been multiplied threefold. In one diocese the clergy had become six times as numerous as they were five years ago. The exemplary Bishop of New Zealand had not only discharged the duties of his diocese, but had explored other heathen lands, for the purpose of giving the inhabitants the consolations of our religion; and it was but the other day that he (Sir W. P. Wood) received a letter from a bishop who had accompanied Dr. Selwyn in his last excursion for that purpose, and that 300*l.*, which would have been the sum demanded by a captain for navigating the vessel, had been saved by the bishop, who himself navigated the vessel, in order that the sum thereby saved might be devoted to the Christianisation of the heathen. He instanced this noble conduct of Bishop Selwyn, for the purpose of showing what force, energy, and vitality our Church would display in the Colonies, if she were duly organised. If justice were done to her, she had a power which would compete with the powers of any other Church on the surface of the globe. But when his right hon. Friend came forward with a proposition to enable the Church in the Colonies to put forth all her strength, the hon. Member for Cockermouth rose and said that the right hon. Member for the University of Oxford had party objects in view, and insinuated very broadly that the Bill manifested a desire, on the part of his (Sir W. P. Wood's) right hon. Friend, to run towards the Roman Catholics. But let the House bear this in mind—there was already an organised form of Chuch polity in the Colonies, and that was the organisation of what was said to be the most formidable opponent of our Church—he meant the Roman Catholic Church. Let them, however, give the Church of England fair play, and they might depend upon it, that there would be very little doubt as to the impression which those two Churches would make upon the Christian world, when brought face to face and front to front with each other. We need have little doubt as to the triumph of our own Church, if her energies were permitted to have free scope. But if they crippled her; if they said that she should have no power to regulate her own affairs; if they said that she should have no powers to frame such enactments as she might deem necessary, they would render her too weak to enter into a successful contest with her most formidable opponent. The hon. Member for Cockermouth said that the Church would be divided and weakened, instead of being consolidated and strengthened, by the proposed combined action of laity and clergy in synod. But had such been the result in America, where the laity were permitted to sit in synod with th eclergy? There was no Church in the world more harmonious and united in action than the American Church. Differences of opinion were, no doubt, expressed in her united assemblies; but was it possible, in any human ecclesiastical or political assembly, to avoid the expression of difference of sentiments. Those differences, however, had never yet occasioned discord in the action of the American Church. The Church of England in the United States, at the time of their separation from us, was without bishops, and consequently weak. Now, the number of bishops was thirty-two, and of clergy 1,500; while in 1835 there had been but twelve bishops and 500 clergy. All these bishops were in union with our Church. It was said this Bill would create division in the Church. In answer to this he would point to the state of the American Church; they had ever acted as one united whole. And when he remembered the great ecclesiastical assemblage which took place not long ago in the venerable edifice adjoining (Westminster Abbey), on the occasion of consecrating bishops for our Colonies, he could not help feeling that our Church in the Colonies might call the laity to her councils with as much advantage as had attended that course in America. He looked upon that great Christian assemblage as a guarantee that our Church in the Colonies might, without any danger to her harmonious action, be permitted to exercise the rights claimed for her by his right hon. Friend. And he would take that opportunity of suggesting to the hon. Gentleman the Member for Cockermouth that if he would display a little more Christian charity, he would do more to diffuse true Christian religion than he had hitherto done by his speeches in that House. Let that hon. Gentleman do his best to unite instead of disuniting and dissevering those who had, after all, at heart the glory of one Head and one Master. By conciliation he would promote that free action of the Church in various parts of the globe which had produced the most splendid results—to which results he (Sir W. P. Wood) felt convinced this Bill would, by the blessing of God, give still greater splendour and duration.

Mr. BUTT said, that if this debate only elicited the speech to which they had just listened, it would rejoice every friend of the Church. But he thought that the weighty objections offered to this Bill by the right hon. Baronet (Sir J. Pakington) still remained unanswered and unanswerable. The Bill went far beyond giving the Colonial Church the powers of organisation which the hon. and learned Gentleman (Sir W. P. Wood) had described. The Bill, as originally laid on the table, would have enabled the Colonial Churches to alter the liturgy, and impose any doctrine they pleased as the test of Church communion. The effect of that would be plainly to break up the unity of the Church, as every separate diocese might adopt a totally different system of doctrine, practice, and discipline from all the rest. To that he could never assent; but preferred the Church as it was. Such powers would not be entrusted to the diocese of London, and therefore he could not understand why they should be entrusted to any diocese in the colonies.

Mr. GLADSTONE: Sir, I have only one word to offer on a personal matter between the right hon. Gentleman (Sir J. Pakington) and myself. I must confess that for the first time during twenty years of public life, during which I have had to conduct various measures through this House, I did feel very greatly aggrieved by the tone which the right hon. Gentleman adopted—as I thought—in his speech on a former occasion. The language which he has used to-day, however, convinces me that I was mistaken, and that I ought entirely to waive that feeling. His motives I have never doubted or questioned; and I confess that I ought to regard his language as lying within the fair latitude and license of debate. That being so, and not being fond of quarrel, either in this House or elsewhere, I wish spontaneously to say, that I entirely withdraw any words that I may have used that were in any degree painful to the right hon. Gentleman. I regret having used them, and I trust that in discussing either this or any other measure in this House, I may never give cause of offence to any hon. Member.

Sir JOHN PAKINGTON: I can only say that I most readily accept the explanation of the right hon. Gentleman.

Resolved—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to explain and amend the Laws relating to the Church in the Colonies."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Bernal, Mr. Gladstone, Sir William Page Wood, and Mr. Oswald.

METROPOLITAN BURIALS BILL.

House in Committee.

Order for Committee read.

Remaining clauses *agreed to*,

On Schedule A.,

Mr. BERNAL OSBORNE moved the insertion of "the parish of Willesden, in the county of Middlesex." This parish was only three miles and a half from Hyde Park Corner. The proposed cemetery there was unfit for interment, and, in fact, the ground was nearly covered with buildings. Willesden would soon become a mere suburb of London, and interment there would be dangerous to health. Besides, the large cemetery of Kensal Green was within a mile of that place.

Words *inserted.*

MR. T. DUNCOMBE moved the following clause:—

"And be it enacted, that for the purpose of promoting extramural interments and economy in funeral expenses, the post-horse duty and assessed tax on carriages let on hire be from the passing of this Act repealed, as regards all horses and carriages kept to be let to hire solely for funeral purposes."

His object was to place the owners of such carriages in the same position they were in before the blunder in the Act of 1840, by which they were taxed to the amount of 6*l.* 12*s.*, whereas before then these carriages were free from taxation.

The CHANCELLOR OF THE EXCHEQUER said, however desirous the Government might be to agree to the clause, the hon. Gentleman could not propose such a clause in the present Bill. It would be necessary, with a clause of this nature, to go into Committee of the whole House.

Clause *withdrawn.*

SIR WILLIAM MOLESWORTH moved the following clause:—

"Where any order for the discontinuance of burials aforesaid shall affect any burial ground other than the burial ground of any parish, compensation shall be made by the Commissioners of Her Majesty's Treasury to all persons interested in such burial ground, for the loss or damage which may be sustained by them by reason of the discontinuance of such burials as might lawfully have been made in such ground, in case such order had not been made, provided such persons shall within three calendar months after the time from which burial is, under such order as aforesaid, to be discontinued in such grounds, state in writing to the commissioners the particulars of their claim for such loss or damage. And in case of any difference arising between the claimants for such compensation and the commissioners as to the amount which may be justly due, it shall be lawful for the Secretary of State to appoint an arbitrator to fix such amount, and such arbitrator shall be empowered to examine any person, including such persons interested in such claims, on oath, and to require the production of any documents bearing on such claim, and after full inquiry by such means as to him may seem necessary, he shall deliver his award, which on receiving the confirmation of the Secretary of State shall be final."

LORD J. MANNERS said, he must object to the introduction of the clause.

LORD DUDLEY STUART said, unless compensation was granted, many parties would be ruined by the shutting up of burial grounds, for which they had paid considerable sums.

MR. T. DUNCOMBE said, he hoped the clause would be considered before the third reading of the Bill, which he trusted would be reprinted, with the numerous Amendments that had been made.

Clause postponed.

House resumed; Bill *reported.*

SECRETARY OF BANKRUPTS' OFFICE ABOLITION BILL.

Report *brought up.*

The MASTER OF THE ROLLS said, he must take that occasion to advert to provisions in the Masters in Chancery Abolition Bill, by which the Lord Chancellor was empowered to sell the Masters' Offices in Southampton Buildings, Chancery Lane, and to provide chambers for the Judges for their chamber business. As the offices in Southampton Buildings were extremely convenient for the required purpose, he could only suppose that the proposition proceeded from some romantic whim, that, inasmuch as those buildings had been used for the business of the Masters, the Judges in transacting their new business would be polluted by occupying them. The Bill had passed that House, but would again come under consideration in the House of Lords, and he hoped the Government would take the opportunity of altering the provisions to which he had referred.

MR. WALPOLE said, the objection of his right hon. Friend appeared to be that the clause in the Bill to which he had referred, compelled the Lord Chancellor to take chambers for the Judges in Lincoln's Inn, while the chambers in Southampton Buildings, now appropriated to the Masters, would answer the purpose, and yet were directed to be sold. That objection had appeared to the Government to be good, as the clause originally stood, and it had therefore been corrected in that particular, so that now the Lord Chancellor would not be required to procure chambers in Lincoln's Inn, but only in a general manner to procure chambers, and he might avail himself of those in Southampton Buildings, now used by the Masters.

Report *agreed to.*

METROPOLITAN SEWERS BILL.

Order for Third Reading read.

MR. PETO said, that he had had the

honour of being called to the Commission last appointed on the subject of the Metropolitan Sewers, and with him were associated Mr. Stephenson, Mr. Rendell, Sir William Cubitt, and several other gentlemen connected with the public works of the Kingdom. It was distinctly understood on the part of the Government and the Commission that the attention of the Commissioners was to be directed unremittingly to the consideration of plans for the sewerage of the metropolis. They had accordingly so devoted their attention, and during the sixteen months they had been on the Commission plans had been investigated and matured for the sewerage both on the northern and southern sides of the river, and works of great magnitude, which the urgent necessity of the case required, had been performed. Upon the noble Lord (Viscount Ebrington) giving up the office of Chairman of the Commission, he (Mr. Peto) had been requested to take the position of Deputy Chairman, and to represent the Commission in that House. Since that time, he regretted to say, they had lost their Chairman and two or three other Members, and he (Mr. Peto) felt it his duty, in conjunction with Mr. Stephenson, Mr. Rendell, and Sir William Cubitt, to resign his office. They had done so simply on this ground, that they had not, as they had conceived, had good faith kept with them—he did not mean on the part of the present Government—he entirely exonerated them—but by the late Government. The Commissioners were appointed to perform a great public duty, and so far as they were concerned they had entirely fulfilled it. When they took office they found the whole affairs of the Commission, from a misunderstanding that had existed on the part of the former Commissioners, in a most disorganised state; and he would mention one circumstance to show the mode in which the business of the Commission had been carried on. A confidential paper addressed to one of the late Commissioners, occupying a place also in the new Commission, although headed "private and confidential," had found its way into the public papers, and the first time he saw it was in the public press. He and his Colleagues felt that an Office in such a state of disorganisation did require to be reorganised, and that duty they had fulfilled. They also matured plans for the sewerage; but, having done so, they found they were not in a position to borrow money. The Act under which they were performing their duty was so imperfect, that although he had entered into negotiations on the part of the Commissioners for the loan of 750,000*l.*, to be returned in about thirty years by the imposition of a small rate on the metropolis, it was found, upon investigation, that no party could safely take the loan. They felt they were placed in a most onerous position, which only those who were acquainted with the state of the metropolis could form an opinion of; and, feeling how urgent was the necessity of carrying out the works to which he had referred, and finding that there was no prospect of their being carried out, they had felt it their duty to resign; for, however anxious they were to fulfil a public duty, yet they were not prepared to remain in an invidious position, and to be pointed at as not carrying out works with which the interests and morality of the metropolis were so much connected. The drainage of the metropolis would require at least 1,000,000*l.*, and that amount could not be acquired in any other way than by loans for a period of about thirty years, and to be repaid by a rate not higher than 6*d.* in the pound. It had been said that the plan proposed by the Commissioners was to make the Thames the medium of the sewerage; but he declared, that neither on the part of Mr. Stephenson, Mr. Rendell, Sir William Cubitt, nor himself, or any of the Commissioners of 1849, was the idea of taking the Thames as the means of sewerage every entertained; and that, after giving the subject their most careful and anxious deliberation, they had come to the determination that their only course was to take such a point below the metropolis as would render it impossible for the water of the Thames near the metropolis to be affected by the reflux of the tide. It was no fault of himself and his Colleagues if those plans were not carried into execution—he regretted exceedingly that they had not been able to carry out those works, but the responsibility did not rest with them. At the same time, although they did feel it their duty to resign their offices, the Government might at all times command their services.

Mr. WALPOLE said, he was sure the House would hear with regret the determination to which the hon. Gentleman and his Colleagues had come, of resigning their offices, for, he must say, they had performed their duties in such a manner as would give satisfaction to the country.

Bill read 3°, and *passed.*

THE AMEERS OF SCINDE.

Viscount JOCELYN * said, that in rising to move for the papers of which he had given notice, he should venture to ask the permission of the House to trespass upon their attention whilst he brought to their consideration certain facts, to which those papers referred, bearing on the present state and condition of the ex-rulers of Scinde.

He was aware that he might be met by the objection that this question was one that had been considered some years ago, and that the policy that was then brought under the consideration of Parliament had the sanction of the House; but it should be recollected that at that time grave doubts were entertained, by many persons, as to the justice of that policy. Since that period matters and facts had been brought to light bearing strongly upon those acts, which he thought proved that the views that were taken at that time by those who were opposed to the policy of the annexation of Scinde were correct, and that he was justified in again asking Parliament to reconsider the case of those unfortunate princes.

He could have wished that some individual of greater weight than himself had undertaken their cause—some one whose abilities would have insured more ample justice being done to the case of these unfortunate princes; and when he recollected that his right hon. Friend the Member for the University of Oxford (Mr. Gladstone) only a short time since had advocated so powerfully the cause of an oppressed people in a neighbouring country, he felt more than ever his own inadequacy to the task he had undertaken. He had a satisfaction, however, in believing that the ear of the House had never yet been deaf to the claim of justice; and the fact that the persons on whose behalf he pleaded were princes of India—once their faithful allies, now exiles from their native land—afforded no reason why they should be thought undeserving of the sympathy and commiseration of the British House of Commons.

He believed he was justified in asking for those papers on the ground, that as matters of history they should be given to the House. The documents connected with the affairs of Scinde, up to 1842, had been furnished to Parliament, and brought before them the proceedings by which the British Government came into the possession of that territory. Since the year 1842 various transactions of great political importance had taken place, together with great changes in the internal arrangements of that country; therefore, it seemed most desirable that the documents containing the additional information should also be laid before Parliament. When they considered more especially that an inquiry was going on upstairs in reference to the future government of India, they must feel that these were papers which bore peculiarly upon many points connected with that inquiry, should be furnished to them without delay.

He concurred in an opinion which he had lately read in the work of an hon. and learned Friend of his, a Member of the House—the hon. Member for Sheffield (Mr. Roebuck)—that "to form a just appreciation of the conduct of those who had taken part in the government of mankind, was one of the great purposes for which history was written," and that it was therefore right that the transactions in which they had been engaged should be fully and fairly laid before the public. With this view, he considered that it was necessary for the due appreciation of the characters of the public men who took part in the transactions in Scinde that the House should be furnished with all the documents having reference to those transactions.

Perhaps the House was not aware that a few weeks since a similar Motion to that which he now made was brought forward by a noble Earl (the Earl of Ellenborough) in another place; but that noble Earl, in moving for documents, moved only for a portion of the papers for which he (Viscount Jocelyn) now asked. That noble Earl moved for a Report of a Commission appointed in India twelve months since, for the purpose of investigating certain charges of fraud and forgery that were laid against his highness Meer Ali Moorad, Ameer of Upper Scinde—a Commission by which that prince was tried and convicted of the crimes for which he was arraigned; but the noble Earl, though he moved for the papers, stated at the same time his own doubt as to the character for fairness of that Commission. Considering the high position of that noble Earl, his knowledge of Indian matters, and his experience on this question, it seemed to him that anything that had fallen from him was deserving of great weight; and that therefore the House should have before it further documents to enable it to come to a more satisfactory conclusion with regard to the Report of that Commission.

The documents which he thought he was justified in requesting were—first, the Report of Sir George Clerk, late Governor of Bombay, one of the ablest servants of the Indian Government, on whose opinion it was that the Commission was appointed; secondly, the Minutes of the Members of the Government of Bombay, to whom the Report of that Commission was submitted; thirdly, the Minute of the Governor General in Council—the first authority in India—who was bound to see justice done between all persons, and to maintain the honour and dignity of the British name.

He felt that he was justified in asking for those documents, as they all bore on the question at issue. They were not in the secret department, but had been furnished to the Court of Directors, and it was not unusual to give such documents to Parliament on questions of this nature. More than that, he firmly believed in his own mind that those documents, if produced, would do honour to the servants of the British Government in India by whom that investigation was conducted, and demonstrate the impartiality of the tribunal.

He asked for the documents at that moment, because there were means at the disposal of the British Government by which reparation to some extent might be afforded. It might be asked, why not leave the matter to the Governor General of India? In reply, he would say, that he felt confident no person could be found more willing to ameliorate the condition of those unfortunate princes than the noble Marquess at the head of the Government of India; but at the same time it was his conviction that, in a case which had given rise to so much discussion, and concerning which there had been such diversity of opinion, an expression of sympathy on the part of the British House of Commons would aid the Governor General of India in carrying out a just and righteous course of policy.

He would beseech the House to give him a patient hearing, whilst he attempted (but feebly he feared) to plead the cause of men who had now no other person in the House to speak in their behalf. He would recall to the recollection of the House the circumstances which took place on the first acquisition of Scinde; and he needed not to go farther back than the year 1838. That was the year, it will be recollected, which gave birth to that policy for the carrying out of which a British army was marched into Central Asia. It was considered necessary to secure the friendly feeling and cordial co-operation of the rulers of Scinde, to insure its success. A treaty was proposed by the British Government, and in that treaty the Ameers, after lengthened negotiations, concurred. In the year 1838 the first intimate political connexion was established between them and the British Government. There were treaties previously, but merely commercial. At that period, three brothers were rulers of Upper Scinde,—Meer Roostum Khan, Meer Mobarik Khan, and Meer Ali Moorad. Their father's name was Meer Sohrab Khan, a chief of the Talpoor dynasty. He died in 1830, dividing his territory into four portions, leaving to each son a portion as a patrimony, and attaching the fourth portion to the turban, or chiefship, which devolved upon Meer Roostum Khan, the eldest of the three brothers.

From 1838 to 1841 disputes at various times arose between Ali Moorad and the two eldest brothers, in reference to territory. Those disputes were decided by the British Resident under an agreement made by the treaty of 1838. In 1842, Ali Moorad placed himself at the head of an army, attacked the forces of his brother, defeated him, and forced him to sign a treaty, called the treaty of Nounahar, by which Roostum Khan agreed to make over to him certain villages belonging to himself and Meer Nusseer, son of Meer Mobarik Khan. Those villages formed the subject matter of inquiry under a Commission issued in 1850 by the British Government.

From an early period Ali Moorad—who had been described by those who knew him intimately as a crafty and designing prince—commenced a series of intrigues against his eldest brother, Meer Roostum Khan: these intrigues were unfortunately too successful. He placed in the hands of the British Resident in Scinde certain letters, which he said he had intercepted—letters purporting to be hostile to the British Government, and which he alleged to have passed between Meer Roostum and the Court of Lahore.

Meer Roostum denied the authenticity of those letters, and asked for an opportunity of proving their fabrication. He also begged to be confronted with his accusers. But both those reasonable requests were refused. The letters were sent to certain officers of the British Government, who were supposed to be most competent to pronounce an opinion on documents of that description. Their authenticity was doubted at the time by those officers, one of whom was Sir George Clerk, who declared that he doubted not only the authenticity of the documents, but more especially the seals attached to them. About this period, in the autumn of the year 1842, Sir Charles Napier made his appearance in Scinde, and soon after became the chief civil and military authority. Contrary to the opinion of the officers to whom reference had been made, and who had seen the letters in question, Sir Charles Napier declared, upon the opinion of Captain Brown—who, according to Colonel Outram, and other evidence, knew nothing of Persian—the language in which the letters were written—that they were authentic, and immediately took possession of a large portion of the territory of Roostum Khan.

Another question had been raised between Roostum Khan and Ali Moorad, namely, the succession to the turban. Meer Roostum Khan, nearly eighty years of age, was desirous of leaving the turban to his eldest son. But it was also claimed by Ali Moorad. Sir Charles Napier took part with Ali Moorad, with whom he had entered into close communication soon after his arrival in Upper Scinde. Meer Roostum Khan, with a view to escape from the intrigues of his unnatural brother, asked permission to enter the camp of Sir Charles Napier, and to place himself entirely in the hands of the British general. Sir Charles Napier, instead of eagerly taking advantage of such an opportunity of unravelling the tangled skein of Upper Scinde politics, refused at that time to receive him, but directed him to the camp of Ali Moorad, the very person who had probably forged the letters which were so derogatory to his brother's character, and the very person who was at that moment engaged in plots to compass the poor old chieftain's destruction. The House, perhaps, could scarcely believe that a British representative should have taken such a mistaken step, under the peculiar circumstances in which the unfortunate Meer Roostum was placed. But Sir Charles Napier himself recorded the remarkable fact. He wrote to the Governor General on the 20th of December, 1842, that Meer Roostum was anxious to take refuge in the British camp adding—

> "I did not like this, as it would have embarrassed me how to act; but the idea struck me at once that he might go to Ali Moorad, who might induce him, as a family arrangement, to resign the turban; I therefore secretly wrote to Roostum and Ali Moorad, and about ten o'clock I had an express from Ali Morad to say, 'that his brother was safe with him.'"

It appears that subsequently Meer Roostum Khan was prevailed upon to cede to Ali Moorad the turban; but the latter at the same time entered into an agreement, by which he promised to secure to Meer Roostum that portion of his territory which was left to him by his father as a patrimony. The treaty of cession reached the British General; but the agreement between the two brothers, which accompanied it, never came into that gallant officer's hands. Ali Moorad still continued his intrigues with a view to the ruin of his unfortunate brother, and led the British general to believe that Roostum Khan was about to raise troops to attack the British army. Hence the destruction of Emaumghur, the first commencement of hostilities. Sir Charles Napier marched a force to the point where he was told Roostum Khan was encamped; but on his arrival found there was no enemy to oppose him. He had, however, the satisfaction of blowing up the fortification without mischief to a single man. On the other hand, the unfortunate Meer Roostum, who had fled to the desert, alarmed by an intimation from his brother that the British general wished to make him prisoner, was found by Colonel Outram surrounded by only a few followers, and his wives and children. Distracted and perplexed, in his agony he implored to be taken to the British general, for the purpose of throwing himself on his mercy; but the interview was again prevented by the intrigues of Ali Moorad, and subsequently Meer Roostum was directed to proceed to Hyderabad.

In Lower Scinde, however, he found that sympathy which he had not met with at the hands of the British representative, or from his relatives in Upper Scinde. The Beloochees, who have always been described as a wild and warlike race, stung to madness at the treachery experienced by the aged prince from his near kinsman, and the harsh treatment he had received from the British general, dashed into the field against the British troops at Meanee, under the very walls of Hyderabad. There, however, they were defeated by the skill of the British general and the valour of our army; the result of this action was, that some of the Ameers were sent as captives to British India, while others were left under the control of Ali Moorad. Such was the first chapter in this painful history. He would now proceed to the second.

In 1846 Sir Charles Napier, who was about to leave Scinde, appeared to have changed his opinion in regard to the character of Ali Moorad. It seemed the general left a memorandum in his office, stating that he had grave doubts of the honesty of Ali Moorad, and that he had reason to believe that he had possessed himself of certain lands which were not his of right, and which belonged to the British Government. Sir George Clerk, the Governor of Bombay, proceeded on a tour to Scinde in 1848, and instituted an investigation regarding this memorandum. He found on his arrival in Scinde, that there were two individuals, named Sheik Ali Hassan and Peer Gohur, one of whom had been Prime Minister to Ali Moorad, and the other his confidential adviser, who were prepared to give evidence against Ali Moorad to the effect that the leaf of the Koran on which the treaty of Nounahar was written had been torn from the volume, and that another leaf had been inserted, in which the word "district" had been substituted for "villages," and that, therefore, property of considerable value, to which the British Government was entitled by right of conquest, had been wrongfully held by Ali Moorad. Although the characters of these witnesses were doubtful, there was such corroborating evidence of the circumstance, that Sir George Clerk was induced to consider it the duty of the Government to appoint a Commission to inquire into the whole case. A Commission was appointed, consisting of Mr. Pringle, a man of judgment and ability, and Major Jacobs and Major Lang, both officers of great political experience and high reputation, before whom Ali Moorad was cited to appear. He appeared accordingly, and was allowed to examine and cross-examine witnesses, but was unable to rebut the charges brought against him. The very leaf on which the treaty of Nounahar had been written was produced; the chief was convicted of fraud and forgery; and had since been compelled to relinquish the territory of which he had so wrongfully held possession, and the turban which he had so disgraced.

Now he (Viscount Jocelyn) wished to point out to the House the bearing which that inquiry had on the charges originally brought against the Ameers of Scinde. It would be recollected that one of the first charges made against those princes had reference to the letters said to be intercepted, which were furnished to the British resident by Ali Moorad, who alleged that those douments had passed between Roostum Khan and the Court of Lahore. Roostum Khan asked to be confronted with his accusers, and to be shown the documents, but both requests were refused him. It had now been proved that Ali Moorad was, from the commencement, plotting to effect his brother's destruction; in which he unfortunately succeeded: and this very Ali Moorad, who furnished the letters on which his brother was condemned, had since been convicted of fraud and forgery against the British Government, to which he had such abundant reason for showing the greatest gratitude.

But there was another fact—a most important one—namely, that when that Commission was sitting, Ameer Mahomed Houssein, the eldest son of Roostum Khan, who, since the conquest of Scinde, had been living on the bounty of the Mahomedan chiefs on the banks of the Indus—for he would never deign to ask or accept a favour from the British Government, so long as a stigma rested on his name and family—at the risk of his life and liberty, appeared before that Commission, saying—

> "The British Government is about to institute an inquiry into the iniquities of my uncle Ali Moorad; I wish to vindicate the honour and good faith of my father, and to wipe away the stain which now rests on my family, and I have brought evidence to prove that every one of the charges against my family is false."

The Commissioners said they regretted not to be able to enter into that inquiry, and that they were obliged to confine themselves to the matters to which they were restricted by the instructions they had received from the British Government. But he (Viscount Jocelyn) believed there was not a man, from the First Commissioner down to the humblest individual present at that inquiry, who was not convinced that the family of Meer Roostum Khan were wholly guiltless of the charges originally brought against them.

Another charge brought against Meer Roostum was that of stopping and robbing the Dawk; on which, it would be recollected, Sir Charles Napier laid such stress. Roostum Khan declared at the time that he and his family were innocent of that charge; and proof had since been tendered that the man who caused the Dawk to be intercepted was Ali Moorad himself for the purpose of laying the crime at the door of his unfortunate brother: to this point the Ameer Mohamed Houssein was ready to give evidence.

The next scene in this painful drama was the cession of the turban, and that was proved to have been forced from Roostum Khan when in confinement; and whilst the treaty ratifying the cession was duly conveyed to the British general, another messenger, who bore the other agreement, by which Meer Roostum's patrimony was secured to his family, was stopped on his way by a horseman of Ali Moorad, and the document taken from him.

Another most important fact was elicited by the Commission: that the principal moonshees, or native clerks, in the office of the Government of Scinde, through whom the information was furnished, on which the whole of the proceedings was based, were bribed by Ali Moorad. There was one point to which he must allude, namely, the attack of the Beloochees on the British forces at Hyderabad. Considering that the feelings of the people had been greatly exasperated by the treatment which Roostum Khan had received at the hands of the British representative, he found no fault with brave soldiers seeking with their lives to vindicate the honour of their ancient rulers, and dashing into the field to their support.

He would now wish to point out to the House the claims which he thought those princes had to the consideration of the British House of Commons, and of the British Government. At the time of the invasion of Affghanistan, it was stated by the military authorities that Scinde being the base for the operations of our army, it was a matter of the greatest importance to obtain possession of the strong fort of Bukhur, on the Indus. At our request, Meer Roostum Khan, contrary to the wishes of his family and of the Beloochee soldiery, surrendered the fort of Bukhur to the British Government, although it was considered the heart of his country. So important was the cession of that fort thought to be, that Lord Auckland and Sir Henry Pottinger declared that the gratitude of the British Government was due to Meer Roostum Khan; and Sir Alexander Burns wrote about the same time in these words: "I have never doubted their (the Ameers') sincere desire to serve us, but in their weak state, I did not expect such firmness in the day of need." Again, the British envoy writes to the Governor General: "Meer Roostum has shown in the day of trial what he professed at all times, that he was the sincere and devoted friend of the British nation."

Such were the services that were performed by the family of Meer Roostum in 1838, and such were the opinions expressed with regard to those services. No Englishman can forget the year 1841, when clouds arose which seemed to threaten the annihilation of the British rule in India; but at that moment the Ameers of Scinde, deaf to bribery, and to the religious cry that was then raised by the Mahomedans from one end of India to the other—regardless of all personal considerations—remained true to British interests. So valuable were the services they rendered at that time, that it was said by the highest military authorities, that if it had not been for those services, and especially the supplies they furnished to the army of Brigadier England, that army could never have advanced or retired, and British honour could never have been retrieved under the walls of Cabool.

In smaller matters also they showed their anxiety to assist the British forces: Colonel Outram, acknowledging the services of the Ameers in remitting all customs on supplies furnished to the British troops, wrote in these terms on the 24th of June, 1841—"That he was instructed by the Governor-General to acknowledge the satisfaction with which he had received this additional mark of their friendly disposition, and of the liberal policy with which their administration is conducted."

Such was the letter addressed to Meer Roostum in June 1841. He would now read the account given of the same prince a few months subsequent, when, branded and hunted by his unnatural relative, assisted by the forces of Sir C. Napier, he was found a fugitive in the desert: Colonel Outram writes—

> "I beheld the sovereign of Upper Scinde, whose important services a Governor General had deemed fitting to acknowledge, become a houseless wanderer; one who, nursed in the lap of luxury, had not known what an ungratified wish might mean. I met him in the jungle, surrounded by his faithful retainers, unprovided with the decencies of life. A tent with a single awning, not ten feet square, afforded the sole protection from the weather enjoyed by the party during heavy and long-continued rains; and is it to be wondered at, that I felt intensely for the poor old man?"

He should not do justice to the true character of the Ameers if he did not allude to the charges which had been heaped on them by the first military historian of this country. He could have wished, for the honour of the British Army, that those accusations had never been penned; for there was no language to be found which was not used to asperse those princes, and no crimes of which they were not said to be guilty. It must be recollected that the historian had never been in Scinde, and had no personal knowledge of the circumstances he related; whereas, in direct contradiction to his statements, there was the evidence of British officers, who had lived in daily intercourse with these calumniated princes in the days of their prosperity, who, one and all, repudiated the charges against them, and bore the strongest testimony to their conduct and character. He had perused letters from many of these gentlemen, but he would select only one to read to the House, because the writer was well known in India, and because he was for a considerable time in constant intercourse with those princes—he meant Captain Postans. That gentleman, who was many years political agent in Scinde, pronounced them to be—

> "Merciful to a fault, and just where they judge for themselves. As men (he added) I consider them exemplary characters; and the devotion and respect evinced towards them by their children and all around them, was a conclusive proof of the domestic harmony which reigned in this singularly constituted family."

Now he would ask the House to allow him to advert to the condition in which the Ameers had been ever since our occupation of their territory. After the battle of Hyderabad some of these princes were despatched to British India, and others of them were left to the tender mercies of Ali Moorad. Among the princes sent to India was the aged Meer Roostum Khan, who shortly afterwards sunk under the weight of years and anxiety, and, to use his own touching language, descended into the tomb "with his face blackened in the sight of his countrymen, and his grey hairs dishonoured." He left behind him a son and a nephew, who were still prisoners in India. Besides these princes, there were the members of the families of the Lower Scinde Ameers, against some of whom there was no charge, save that of defending their country, and against others not even that charge. One, Meer Shadad, after four years' close confinement in the fort of Surat on certain charges, of which he understood he was acquitted after investigation, and released by order of the Governor General of India, still remained a prisoner in Hindostan.

With reference to the other members of their family, there were some eighteen sons and nephews of Roostum Khan, who were left to the tender mercies of Ali Moorad, at whose hands they experienced treatment which is not to be described. On that subject he would read to the House an extract from a very graphic and painfully-interesting work called *Dry Leaves from Young Egypt*, the author of which held political office in Scinde, and writes what he himself saw and knew. It is as follows:—

> "The younger Ameers, the children of Meer Roostum and Meer Mobarik, were handed over by Sir Charles Napier to Meer Ali Moorad, who has inflicted on them every cruelty and insult that malice and hatred can suggest; born princes, hunger, cold, and nakedness have been their portion. In their memorial to Sir Charles Napier, they stated that death would be preferable to their condition. In 1848 the resident at Kypore reported that not one of Ali Moorad's shikarees was not better off than they. They had been reduced by want to the sale of their wives' ornaments and their own wearing apparel; and it was a well-known fact, that the fourth son of the late Meer Roostum appeared as a suppliant for assistance before the door, and is now living on the bounty of her who was in his father's lifetime a low courtesan in the Kypore bazaar."

Such was the state of some of the Ameers of Upper Scinde, whose fathers had earned the commendation of the Governor General, who had proved themselves our faithful allies, and stood by us in the day of adversity and trial.

Although at the risk of wearying the House, there was one more fact to which he must allude, and it was a painful one. After the battle of Hyderabad the ladies of the captive Ameers remained in Scinde. Those who knew anything of the Eastern character, know that the religious feelings and the habits of the people were such, that it was almost impossible for ladies of that high rank to take long journeys, more especially across the seas. It would be recollected on a former discussion on this question, they were horrified with details of the brutal conduct on the part of the Ameers towards their wives, which were then told with every air of authenticity; but the extract he was about to quote was the best reply to those monstrous assertions.

The extract he held in his hand was from a letter written by the wife of a British officer in Scinde, in reference to the condition of those unhappy ladies, which he would read to the House. She said—

> "They looked and acted like what they were, the ladies of the land, and very different from the native women we were in the habit of seeing; not that they were particularly beautiful, on the contrary there were few of them that had any claims to youth or good looks, but, as I said before, there was a bearing which stamped them at once of a superior class. There they were: whose bare feet had previously never pressed the ground uncovered by the richest carpets, with every luxury around them, living in a place without even a mat to the floor; common bazaar charpoys to sleep upon, and the roof leaking every shower of rain that fell. I thought at the time that the prize agents might have spared the carpets and other little luxuries from the thousands we had taken from them. They were too proud to ask for them, nor did I even hear them complain of this, although they did of having their clothes sold. They said, 'Our jewels and gold we consider as forfeited; but we did not expect to be stripped; it is our fate.' It appeared a day of great rejoicing when a letter arrived from the Meers (their absent lords). They generally sent me a request that I would come and see them, and hear all about the Meers. It appeared as if they thought I could enter into all their little joys, as well as feel for their misfortunes, which in truth I did, although I always avoided touching on a subject so painful to them."

It appeared to him (Viscount Jocelyn) that this was one of the most painful stories connected with the British rule in India, and one of the darkest pages in its history—a tale known not only in Scinde, but throughout Central Asia—a tale which had often been cited by the Mahomedans to the detriment of the honour and character of Christian and British rulers. Nor was it alone confined to Mahomedan Asia: Central Africa re-echoed this story of violence and wrong. He found the following passage in a work of Dr. Richardson, a traveller in Central Africa:—

> "The conversation was stopped by the entrance of a remarkable personage—the *quasi* Sultan of Ben Walid. Having heard that I was present, he said, 'Christian, do you know Scinde?' Yes, I said; he then turned and said something to the people in the Ghadamsi language. I afterwards learnt it was, 'You see these Christians are eating up all the Mussulman countries.' He then abruptly turned to me, 'Why do the English go there and eat up all the Mussulmen? afterwards you will come here.' . . . . . . I replied the Ameers were foolish, and engaged in conspiracy against the English in India, but the Mussulmen in Scinde enjoyed the same privileges as the English themselves. 'That is what you say,' he rejoined, and then continued, 'Why do you go so far from home to take other people's countries from them?' I replied, 'The Turks do the same, they come to the desert.' 'Ay, you wish to be such oppressors as the Turks.' He then told me not to talk any more, and a painful silence continued for some time."

He would ask the House if this was not a question worthy the consideration of Parliament, one in which British honour, British justice, and British humanity were so deeply involved. It was painful to think, whilst they expressed sympathy for the oppressed people of Hungary, whilst they received the Poles with open arms, whilst a right hon. Friend of his, only a few weeks' since, made a powerful appeal on behalf of the people of Naples, and whilst they blamed our gallant neighbours for their want of faith towards Abdool Kader, that the British Government sanctioned conduct equally unjust and oppressive. But here partial redress was in our own hands, and, after the facts that had been elicited, they would be doubly culpable if they did not make all the reparation in their power to those they had so grievously injured. He had undertaken to bring the subject before the House from a sense of duty and a sense of justice, and he might truly say, he never recollected feeling a warmer interest in any case, or a more solemn conviction of the truth of the cause he advocated.

He had endeavoured—he feared very inadequately—to place before the House, first, the charges that were originally made against these princes; next, the bearing which the late Commission of Inquiry had in reference to those charges; then to point out the intrigues and machinations of Ali Moorad; and, lastly, to compare the condition of that felon prince, still in the enjoyment of his patrimony, with that of the unfortunate princes, the victims of his treachery.

He knew well there was great difficulty in retracing our steps, and that there was an idea that, where civilisation and babarism came into contact, it was a proof of weakness in the former to recede. He was aware that, in a country which had been for some years under our rule, new ties were formed, and new interests were created, which could not be disturbed without the hazard of committing a second injustice on the people whom we had taken under our protection; but he did not ask on behalf of the Ameers of Scinde that they should be replaced as rulers of their country; they did not ask it for themselves: in their own touching language they made known the earnest desire of their hearts—"A tree in our own land is better than a palace in a foreign country;" they asked merely to be allowed to return to their native land. The Government had it now in their power to grant that boon; and he could not conceive it possible that it would be refused. At the same time it would ill become a private individual to point out the exact mode in which reparation should be afforded; he was therefore prepared to leave it in the hands of the Government of India, confident in its integrity and its humanity. But this he might be permitted to say, that little injury was to be feared when honour and character were to be maintained, in a Government, like that of India, firm and united, acknowledging to the Hindoo and Mahomedan nations under its sway, that unwittingly a grave error had been committed, and showing their desire to remedy that error, as far as possible, in a magnanimous and generous spirit. On behalf, therefore, of the Ameers of Scinde, once honoured, powerful, and wealthy, now fallen, crushed, and poverty-stricken, long our faithful friends and allies, he implored the sympathy of the House, and asked for the papers which bore out the statements he had felt it his duty to make; satisfied that the facts had only to be thoroughly understood, to obtain for those unfortunate princes, not all that justice demanded, but all that it was now left in the power of the British Government to bestow.

Motion made, and Question proposed—

> "That there be laid before this House, Copies of the Evidence and Report of a Commission appointed to inquire into a charge against His Highness Meer Ali Moorad, Ameer of Upper Scinde, of having made fraudulent alterations in the Treaty of Nounahar, concluded between His Highness and the late Meer Roostum Khan, and of all Minutes and Correspondence on the Indian Records connected with the charge:
>
> "And, of the Report on Scinde of Sir George Clerk, K.C.B., late Governor of Bombay, dated the 24th day of April, 1848."

SIR R. H. INGLIS rose to second the Motion of his noble Friend; and regarded it an honour and a privilege to be the earliest to thank him for the powerful, highminded, and indignant eloquence of the speech with which he had introduced it. At this hour, within a few minutes of the time when the debate must close, he felt it due to Her Majesty's Ministers to leave to them almost the whole of that brief interval, and he would therefore confine himself to a few questions. Thirty years ago were not the Ameers of Scinde as independent as any of the Princes on the Rhine? Are not the survivors of them, all but one, captives in the hands of England? What was the intermediate history? Did England send an officer to survey their river, the highway of their country, without acquainting them with his objects? Notwithstanding this act, by which the future subjugation of their country was facilitated, did the Ameers of Scinde, or did they not, permit—when they could have prevented, or, at least, have checked—the march of British armies into Affghanistan? Above all, in the withdrawal of those armies from Affghanistan, did the Ameers use the power which they possessed, of joining the enemies of the English, and interposing new difficulties in the way of their return to India? Did they, or did they not, facilitate the supplies of provisions for those armies? Have not some of them been deprived of their hereditary rights by treachery, supported by forgery? and was not the power which so deprived them the power of England? Is that forgery now proved to be such to the satisfaction of English Judges? Have they, or have they not (independent princes as they once were), been not merely exiled, but imprisoned by English power? And now, when by tardy justice, some means are provided for restoring some of the survivors, not to independent sovereignty, but, at least, to some of their landed possessions, is England nevertheless to retain those possessions, and not replace in them such of their ancient owners as can still receive this poor compensation? The pages of the history of the English in India were not all unsullied; but he verily believed that, in no country and in no age, had such a history been written as that of the Ameers of Scinde under the English rule. He charged it on the conscience of his right hon. Friend the President of the Indian Board—he spoke most solemnly when he said it—not to lose the present opportunity of redressing a part of the wrong which England had done to those Princes.

MR. BAILLIE said, he believed the House would agree with him that the speech of his noble Friend had little reference to the notice of Motion placed on the books. When he saw that notice of Motion, he was under the impression that his noble Friend was anxious to obtain information with respect to the proceedings instituted by the Indian Government against Ali Moorad; but the speech of his noble Friend showed him to be desirous to bring under the notice of the House not only the state and condition of the ex-Ameers of Scinde, but to enter into the question of the justice and policy of the conduct of the Government of India. He (Mr. Baillie) would not, upon this occasion, enter into any discussion with regard to the justice of the policy originally adopted by the British Government as to the conquest of Scinde and the deposition of the Ameers. Whatever might be the opinion of the House with respect to those transactions, they must bear in mind that this policy and these acts received the full sanction and approbation of the Government of the late Sir Robert Peel; and that when that policy was called into question upon a Motion by Lord Ashley in 1844 it was justified, and received the full sanction and approbation of a large majority of the House of Commons. Now if blame attached with respect to these transactions, to whom was it to be attributed? To the Government of India, to the Earl of Ellenborough, or Sir Charles Napier? No. If blame attached anywhere, it was to the Government who sanctioned and approved of the policy pursued; and he must express his surprise that the noble Lord should, in 1852, after having served the Government of Sir Robert Peel in the capacity of assistant to the President of the Board of Trade, rake up this old disputed question with respect to the policy of our acts in 1842. As to the papers for which his noble Friend had now moved, the Government had no objection whatever to produce all those which related to the proceedings against Ali Moorad, together with the proclamation of the Commissioners of Scinde, which contained the sentence. But his noble Friend wanted the whole of the Minutes of Council with respect to these transactions; and he must be perfectly well aware that they contained the opinions of the officers of the Government with regard to the original conquest of Scinde and the acts of the Government. If the object of his noble Friend in moving for these papers was to excite sympathy on behalf of the unfortunate princes of Scinde, and if by this means he wished to force the attention of the Government to their present condition, he (Mr. Baillie) was happy to inform his noble Friend that the condition of the Ameers of Scinde had for some time been under the consideration of the Government; and that before the present Government—

Mr. HERRIES said, he must beg to interrupt his hon. Friend; and to suggest that, in a matter of such importance as the one now under discussion, nothing like justice could be done to it by his hon. Friend in the few minutes which would only elapse before the adjournment of the House (it being then just upon six o'clock). He would, therefore, move the adjournment of the debate.

Debate *adjourned* till To-morrow at Twelve o'clock.

The House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, June 24, 1852.

Minutes.] Public Bills.—1ª Excise Summary Proceedings; Woods, Forests, and Land Revenues; Valuation (Ireland); Metropolitan Sewers; Nisi Prius Officers; Friendly Societies (No. 2); Crime and Outrage (Ireland); Incumbered Estates (Ireland); Distressed Unions (Ireland); Public Health Act (1848) Amendment.

2ª Consolidated Fund (Appropriation); Militia Ballots Suspension; Militia Pay; Navy Pay; Turnpike Acts Continuance; Poor Law Board Continuance; Inland Revenue Office; Savings Banks (Ireland); Metropolis Water Supply; Thames Embankment.

Reported.—Pharmacy.

3ª Hereditary Casual Revenues in the Colonies.

THE COFFEE TRADE.

Viscount TORRINGTON asked the noble Earl at the head of the Government the intentions of Her Majesty's Ministers with respect to the Minute of Privy Council, dated in 1840, authorising the mixture of chicory with coffee?

The Earl of DERBY said, it had certainly appeared to the Government fit that that Minute should be rescinded; but the effect of rescinding it would be to revive the former prohibition on all dealers in coffee, that they should not have on their premises chicory or any other article usually mixed with coffee. What Government proposed therefore was, at the same time they rescinded the Minute of 1840, to give instructions to the Excise not to file informations, or to press for penalties, upon the mere fact of the dealer having chicory on his premises, provided that it was made up in packages of quarter or half pounds, marked with the size, and bearing a label on every packet, stating that it was chicory. There would be no interference with the trade: the public, if they desired to mix chicory with their coffee, could do so, and they would have the opportunity of knowing the amount of mixture. Thus the revenue and the public would be protected, and no injustice done to the fair dealer.

In reply to a question by the Earl of Minto,

The Earl of DERBY said, the grocers, as dealers, would not be permitted to have on their premises any article for the purpose of mixing with coffee, except in packages marked with the weight and nature of the article. He should also add that as there was a considerable amount of mixed coffee in stock in the hands of dealers, it was proposed to allow them a certain limited time during which no penalty would be enforced for the sale of such mixed coffee.

Lord REDESDALE claimed the same privilege for mangold-wurtzel, as would be now ceded to chicory. He thought all articles used for mixture with coffee should be placed in the same category.

The Earl of DERBY said, that all articles that might be mixed with coffee would be on the same footing; whether mangold-wurtzel, roasted corn, or roasted horse beans, they must all be in packages, and marked with the weight and the name of the article.

STANDING ORDER, No. 185—THE "WHARNCLIFFE" ORDER.

The Marquess of CLANRICARDE called attention to the Standing Order, No. 185, sect. 1, with a view to the modification of the provisions thereof, in respect of Bills to be brought into Parliament in any future Session. [This Order requires the assent of four-fifths of the proprietors of a railway to any Bill for proposed amalgamation with another Company.] His Lordship said, that the Order as it stood at present inflicted great hardship upon Railway Companies, by enabling a small minority of railway shareholders to pass a veto on a proposition for the consideration of Parliament of any change in the arrangements relating to the railway. He would submit that in making this Standing Order the House had overleaped the mark, and given opportunity to large companies, by purchasing shares in undertakings that might compete with their own, to prevent Parliament from considering the propriety of allowing such competition. He had been informed that besides the case which was before the House last Monday week—the Birmingham, Shrewsbury and Chester Railways—there was a similar case in the north of England, where a large railway company were again purchasing shares in order to stop competition. The effect of the order was practically to give to large and powerful companies a complete power of extinguishing their small rivals, and preventing that competition which it was so desirable for the public interest should be secured. It had been suggested as a check against these proceedings, that no holders of shares should be allowed to vote at meetings held under the "Wharncliffe Order," unless they were possessed of them for a certain period before such a meeting was convened. He did not think that the suggestion, although no doubt a good one in many respects, would obviate the evils to which he had referred. He would, therefore, move that the Order No. 185 be referred to the Standing Orders Committee, for the purpose of considering what alterations may be made in it, with a view of affording more complete protection to the interests of the public.

Lord REDESDALE stated, that the object of the Standing Order in question was to afford protection to shareholders against their directors, and its importance in this respect could not be overrated. If it had been found oppressive, there would have been more than one or two cases in which difficulty or grievance would have arisen. But he knew of none except those which were before the House last week—the Shrewsbury and Chester, and Shrewsbury and Birmingham; and in one of those cases the shareholders were protected by the proportion required being now not three-fifths, but four-fifths. In the instance of one of the companies the shareholders last year were in favour of an alliance with the North-Western; but the directors were in favour of the Great Western, and by management they so increased their number of votes that at the meeting a few months ago they would have carried their point if the proportion had been only three-fifths. In the other case the directors split shares, preparing the transfer and retransfer with the money of the company. Directors had powers, too, which they could exercise, with regard to delay in giving a list of shareholders, and giving it only up to the time of the application. They had enormous powers, and the House would do well to be cautious, and inquire, before altering this order. It was suggested that no parties except those who had held shares for a certain time be allowed to vote; and that was, upon the whole, a valuable suggestion. He thought the Standing Orders Committee was not the best tribunal to which this question could be referred. In his opinion it ought to be referred to a Select Committee less numerous than the Standing Orders Committee, by whom it might be fairly and temporately discussed.

Moved—" That a Select Committee be appointed to consider and report to the House upon the propriety of altering the Standing Order No. 185, so far as regards Railway Bills."

Lord HATHERTON said, that he had for a long period endeavoured to obtain the establishment of a rival communication in the county of Stafford, which he considered, in common with the iron-masters and the great body of the manufacturers of that county, would be of great advantage. The effects of this particular order had been hitherto to prevent the accomplishment of this desirable object, and he should therefore be most happy to see some alteration made in the proportion of assenting shareholders at present required in conformity with the order.

The Earl of STRADBROKE was understood to say that he thought a proportion of three-fifths, instead of four-fifths as at present required, would afford ample security to shareholders against the acts of the directors.

The Earl of HARROWBY thought the Order ought to be maintained, because it would prevent shareholders from being dragged into greater liabilities than they wished. If their Lordships wished to protect the interests of shareholders against the jobbing of directors, they should take care not to enable a small minority of shareholders to obstruct propositions for amalgamation. In this particular case the Order might have prevented competition, but it might promote it in another. Those considerations were totally alien to the question.

The Marquess of LANSDOWNE thought that one point had not been sufficiently brought out in the discussion, namely, the right which the public had to be heard in cases of this kind. Great questions which affected the public ought to be brought under the consideration of their Lordships in a manner wholly free and unfettered; and their Lordships ought not to tie themselves in a way which would on any occasion prevent them doing that which would be manifestly for the interest of the public. With respect to a question of amalgamation, could there be a subject on which it was more important that their Lordships should be able to pronounce an unfettered opinion on the merits of each case, and that it should not be left to be decided by particular majorities in the various companies which it might be proposed to amalgamate, liable as they were to be influenced in a number of ways through all the office-holders, clerks, and persons interested in the continuance of those companies? It had been proved again that railways were administered more for the advantage of the public by great companies than by small ones; and when a question of amalgamation arose between two companies, their Lordships should look at the question on public principle, and see whether such amalgamation would be likely to meet the wants of the public service. It was not to be tolerated that their Lordships should be debarred from entering on the consideration of a great line of public intercourse, because minorities in smaller companies, availing themselves of an order of their Lordships' House, chose to step in and say that their Lordships should not and could not sanction that great line of public intercourse.

Earl GRANVILLE was understood to say, that he thought it would be advisable to restore the Order to its original form, requiring the assent of only three-fifths of the shareholders to a proposed amalgamation.

Lord BROUGHAM was quite of opinion that their Lordships should do now what they ought to have done years ago—refer the question to a Committee for consideration.

Lord LYNDHURST said, that the whole of our legislation on the subject of railways was in a most confused and unsatisfactory state, and required some very material amendments, founded upon long consideration, and framed with great care and caution. There could be no doubt in the mind of any person who considered for a moment the position of the railway in question, that it was one of great importance to the public at large; and it was quite monstrous that the interests of the public should be defeated by a combination such as that which was practised in the course of the proceedings in regard to that railway. He admitted that the decision of the Standing Orders Committee (namely, that they saw no reason to recommend the suspension of the Standing Order) was perfectly correct, because no sufficient evidence had been laid before them for the purpose of proving the charges which were alleged against the North-Western Company on the particular occasion. But he begged to remind their Lordships of one circumstance. It appeared in evidence before the Standing Orders Committee, that, previous to the meeting for the purpose of confirming the agreement with regard to the amalgamation, shares were purchased by the company in the name of their servants for the purpose of defeating the agreement. And, if such a contrivance was resorted to on that occasion, what reason had their Lordships to believe that the same contrivance was not resorted to upon the second occasion, although there was not sufficient evidence to enable them to trace it, in consequence of the machinery which was made use of? Their Lordships, therefore, ought to adopt some means to prevent a repetition of that contrivance; and this could be done, he thought, by reducing the proportion of votes necessary to approve of an amalgamation from four-fifths to three-fifths, as it stood at the time the original order was made.

The Earl of DERBY hoped their Lordships would not adopt the proposition of the noble and learned Lord (Lord Lyndhurst). The notice given by the noble Marquess opposite (the Marquess of Clanricarde) was, that he would call attention to the Standing Order in question, with a view to its modification in respect to Bills to be brought in in any future Session. The noble Marquess did not give any notice whatever as to the mode in which that Standing Order should be amended. He (the Earl of Derby) said that it would be unprecedented if on a discussion of that kind—which he thought had turned too much on the merits of a particular railway—they should amend the order in question without any notice having been given of an intention so to do. He thought that would be a more imprudent and precipitate course than that which was complained of as having been adopted in 1850. He was of opinion that there was another and more important question, well worthy their Lordships' consideration, which had been mentioned in the course of the discussion, namely, whether it should be considered necessary in all cases of this kind, that the shares of all persons intending to vote should have been held for a certain period before they were allowed to vote. He thought that would be a proper subject for inquiry by the Committee. He repeated, that he hoped the House would not adopt the somewhat hasty proposition of the noble and learned Lord (Lord Lyndhurst), but would rather take the more prudent course of referring this matter to the deliberate investigation of a Select Committee.

Lord LYNDHURST reiterated his former statement, that it had been proved before the Standing Orders Committee, that, previous to the meeting for ratifying the agreement entered into by the directors, clerks and other officers of the North-Western Company had purchased a great number of shares for the purpose of influencing the proceedings.

On Question, *agreed to.*

SUITORS IN CHANCERY RELIEF BILL.

House in Committee (according to Order).

Lord LYNDHURST moved the restoration of clauses with regard to compensation to persons whose offices were abolished by this measure, as they originally stood in the Bill when first introduced into the Commons, but which had been struck out on the third reading—for what reason he could not undertake to say.

The Earl of DERBY said, it struck him that if they increased the amount of compensation, the other House would scarcely acquiesce in it. He would suggest to the noble and learned Lord to postpone the consideration of this question until he had an opportunity in a day or two of seeing how it was likely to be viewed by the other House. Then the noble and learned Lord would be better able to determine the course it would be advisable for him to pursue. At all events he hoped that the noble and learned Lord would not place so much value upon his proposition as to risk the passing of the measure by pressing his proposition at that moment.

Lord LYNDHURST said, that there were four of the senior clerks to receive compensation for the loss of the fees which they had been hitherto authorised to receive. He thought it would be most unjust if compensation were not awarded to the junior clerks also, in respect to such fees, inasmuch as under the existing system they would be entitled to succeed to the offices of the senior clerks, and of course to receive such fees in the event of vacancies occurring. He had, therefore, prepared a clause to effect that object.

The LORD CHANCELLOR objected to the clause. The House must remember that this Bill was one of the late Government's, and the House of Commons had gone on altering and altering it, until it reached their Lordships' House at such a period of the Session, that it was utterly impossible to make it a perfect measure. He was therefore placed in this position—either to take the Bill, which was an excellent Bill in many respects, with all its defects, or not to proceed with it at all. He had thought it his duty to adopt the measure, but, not having had time thoroughly to revise it, or to send it to a Select Committee, he could not take upon himself the responsibility of all its demerits. If it perpetrated any injustice, that could be remedied hereafter.

Lord LYNDHURST said, he would state his objections to the Bill. First, it was founded on the Report of a Select Committee of the other House of Parliament, of which the Master of the Rolls was Chairman, and one of the principal recommendations of that Commission was, that the subordinate offices in the Court of Chancery should be abolished. Look at its provisions. To whom did it restrict the issue of injunctions? The Master of the Rolls! Who received the fees? The secretary of the Master of the Rolls! At whose suggestion was it passed through the other House? At that of the Master of the Rolls! Then, again, he wished to call the attention of their Lordships to the unsparing manner in which it dealt with the officers of the Lord Chancellor. It reduced them to such a degree as that they would be hardly able to carry on their business. But what did it do with the officers of the Master of the Rolls? It did not touch them at all! No mention was made of them, except to make their offices of more advantage. It provided that the Lord Chancellor's secretary should have an additional clerk; but it stipulated that the salary should not exceed the insufficient sum of 200*l.* a year. At the same time it provided that the secretary of the Master of the Rolls shall have two additional clerks, at salaries not exceeding 300*l.* a year. The Committee, upon whose Report this Bill was framed, had the Master of the Rolls amongst its members; it was brought in by the Master of the Rolls; and it passed through the House of Commons under his superintendence. Although it cut down the establishments of the noble and learned Lord in the manner he had described, he (Lord Lyndhurst) admitted that there might be in it some parts which it would be desirable to pass into a law; but he would never consent to the enactment of a law which would do any injustice.

Clauses *negatived.*

Amendment made; the Report thereof to be received *To-morrow.*

HEREDITARY CASUAL REVENUES IN THE COLONIES BILLS.

On Motion that this Bill be read a Third Time,

The Duke of NEWCASTLE said, he was not altogether satisfied with the noble Earl's (the Earl of Desart's) explanation of this measure. It appeared to have reference to the sale of waste lands in the Colonies; and, inasmuch as he believed it had not been the practice hitherto to apply the proceeds of the sale of waste lands to the purposes of the mother country, he did not quite understand the meaning of the proviso to the second clause, that the surplus not applied to "such public purposes of such Hereditary Casual Revenues" should be carried to the Consolidated Fund. He should like to have some explanation of the measure, and to be informed whether it had reference to the waste lands alone, or whether it included the gold discoveries in the Colonies. He understood that the Government had resolved most wisely to apply the produce of such discoveries to colonial purposes. If that were the intention of the Act, he highly approved of it.

The Earl of DERBY said, considerable doubts had arisen whether the practice which had been pursued for some time, of appropriating the waste lands in the Colonies, by the authority of the Crown and of the Colonial Legislatures, constituted, in point of fact, a legal appropriation. It was intended by this Bill, notwithstanding the surrender of the Crown revenues, to authorise, as formerly, the appropriation of the casual revenues, whether arising from waste lands, or from the discovery of large mineral treasures, to colonial purposes. If the Act were not passed, such discoveries would be subject to appropriation by Parliament, and would not be applicable to those colonial purposes to which the other casual revenues were now applied.

The Duke of NEWCASTLE begged again to call the noble Earl's attention to the clause with reference to the appropriation of the surplus to the Consolidated Fund. It appeared to be a mode of appropriation that was inconsistent with previous practice.

The Earl of DERBY: The opportunity

for such an application of the surplus may never arise.

The DUKE of NEWCASTLE: It is the principle to which I am calling attention.

The EARL of DERBY: To maintain the just rights of the Crown, it is necessary that this new arrangement should be made.

Bill read 3^a; an Amendment made; Bill *passed*, and sent to the Commons.

METROPOLIS WATER SUPPLY BILL.

The EARL of LONSDALE moved the Second Reading of this Bill, and said, that one great question relating to this measure was the settlement of the rates. He thought the effect of this measure would be greatly to reduce the rates of profit on the part of the water companies. At present their rates of profit might be said to vary from 5 to 10 per cent—the average being about 7 per cent. He believed the effect of this measure would be to reduce the profits to an average amount of 4 per cent. The general effect of the measure, he believed, would be a great boon to the middle classes of the metropolis. After thirty years of fighting and quarrelling, they had at last come to an understanding and an arrangement which, he believed, would give general content to all classes, and he therefore hoped that no opposition would be offered to the second reading of the Bill.

The EARL of SHAFTESBURY would not oppose the Motion; but he hoped that this Bill would not become an obstacle to other measures which might be brought forward in some future Session of Parliament, as he had no doubt whatever that this could not be considered as a final settlement of the question. There must be some future measure, founded on some better principle for ensuring a sufficient and cheap supply of water. He objected both to the principle of this Bill, and to several of its details; but he would not detain the House at present with recounting his objections. He must, however, protest against this—that, owing to the late period at which the Bill came before their Lordships' House, they were not allowed to hear or to read any evidence upon the subject. No time was allowed for deliberation, nor were they permitted to refer it to a Select Committee. The Bill must be passed at once, without their Lordships knowing more of it than if it were a Chaldee manuscript.

The EARL of DERBY agreed with much that had fallen from the noble Earl. The Bill must either be rejected, or it must be passed without due deliberation. Unfortunately that was the only alternative that was left to them; and if they rejected it, they would cause that all the labours of the other House with regard to this measure must be gone over again in another Session, with the possibility of having again the same termination. It was undoubtedly desirable that their Lordships should have the opportunity of examining not only this particular Bill, but also the various opposing schemes that had been brought forward by other parties; but their Lordships were aware that this measure had occupied much of the time and attention of Parliament for a number of years, and this was the first Session in which, after all the investigation that had taken place, there was any prospect of carrying a measure with the general consent of all the various interests—the interests, he meant, not only of those companies whose rights and privileges, however, it was impossible altogether to overlook, but, to a great extent, of the inhabitants of the metropolitan districts also, whose opinions, so far as they had been able to collect them, were in favour of this measure; and if it were now postponed for another year, it might be questioned whether the same favourable conjuncture of circumstances would again arise. There was no doubt of this, that the Bill did provide for a purer, a more extensive, and a regular supply of water to the metropolis. These were the three objects of the Bill. It placed limits also to the expense at which it was at present to be supplied, and if it did not procure water from all the sources from which the noble Earl thought a supply was available, it, at all events, did provide a supply from purer sources; and at the same time it provided that both in the case of the new and the old sources, an efficient system of filtration should be adopted. It provided also—and upon this he laid great stress—that the supply of water should be constant. These were great advantages; and when the alternative was, as he had said, either to sacrifice all the labours of the other House of Parliament by rejecting this Bill, or to sacrifice some part of the dignity of their Lordships' House by passing it without due deliberation, he did trust that their Lordships would adopt the latter part of the alternative.

LORD CAMPBELL said, he did not

rise to object to the Bill, but to express his regret that the evils which had existed in the case of all the Governments of his time appeared also to beset the present Government. He alluded to the practice of Bills being sent up from the other House at so late a period of the Session that it was impossible for their Lordships to give them that attention which was their due. He thought it would be much better if, by a system of vigorous legislation, Bills were brought into their Lordships' House at an earlier period of the Session, so that they might meet with the mature deliberation of their Lordships; and he was sure that not the House of Commons only, but the public generally, would be benefited, if their Lordships were at an earlier period of the Session to be employed in the consideration of measures which could afterwards be sent down to the Lower House and finally passed into a law. He trusted Her Majesty's Government would take this suggestion into their serious consideration, for he was sure that by a vigorous proceeding of that kind the business of the Session would be greatly facilitated, and the measures more fully matured.

The EARL of DERBY said, he begged to remind the noble and learned Lord that the present measure was one of a taxing character, and could therefore have been only originated in the other House. He might further state that, if the noble and learned Lord looked to the Order-book of the House of Commons, he would find there twelve or fourteen Bills standing at various stages, all of which had originated in the House of Lords; and among these were some law Bills, the importance of which he was sure the noble and learned Lord would be the last to undervalue.

Bill read 2ª, and *committed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 24, 1852.

MINUTES.] PUBLIC BILLS.—3° Valuation (Ireland); Woods, Forests, and Land Revenues; Excise Summary Proceedings; Secretary of Bankrupts Office Abolition; Bishopric of Quebec; Colonial Bishops; Bishopric of Christchurch (New Zealand).

METROPOLITAN BURIALS BILL.

Order for Committee read.

VISCOUNT EBRINGTON said, that if the House assented to this Motion, which was to go into Committee on the Compensation Clauses of the Bill, it would establish a precedent for heavy drafts on the public purse to serve merely local objects. If compensation were granted to the proprietors of metropolitan graveyards from this source, he did not see why the same principle should not apply to Manchester, Liverpool, and other provincial towns.

LORD JOHN MANNERS begged to explain that it was not intended to give compensation, except in those cases where the Secretary of State should take upon himself to close the burial ground, and, as the Secretary of State had no power under this Bill to do so, the objection did not apply.

MR. MACKINNON said, he had had the honour to be the Chairman of the Committee which sat some years ago to inquire into the subject of Metropolitan Burials, and he must say that he saw no reason why the proprietors of graveyards should receive any compensation from the public. It was proved in evidence before that Committee that one Company had received, through burial fees, as much as 80,000*l.* for one acre of ground. These persons had been enriching themselves by augmenting the unhealthiness of the metropolis; and he, for one, must object to their receiving any further emolument, particularly out of the public purse. If compensation were granted in this instance, the House would lay down a principle which would apply all over the country.

LORD JOHN MANNERS said, that where burial grounds were filled to such an extent as to be a public nuisance, no compensation would be given.

MR. HUME said, he must confess that he did not quite understand the distinction drawn by the noble Lord the First Commissioner of Works. He (Mr. Hume) objected to any charges being imposed upon the community at large for the mere benefit of the metropolis. He admitted that the Metropolitan Burials Bill would effect a great improvement in the metropolis, and he entirely approved of it; but if the House allowed compensation for improvements of this nature, the next step would bring them to compensation for roads, bridges, &c. He should object, therefore, to the proposal of Mr. Speaker's leaving the Chair, unless he heard some principle laid down which would operate as a check to the abuses which would otherwise arise.

MR. T. DUNCOMBE said, he considered that the Compensation Clause would throw too much responsibility upon the

Secretary of State. He doubted whether the noble Lord (Lord J. Manners) was aware of the amount of labour and trouble which he was about to entail upon the right hon. Gentleman. The noble Lord did not know the parties with whom the right hon. Gentleman would have to cope. He would be beset by parochial authorities contending against any interference with their accustomed places of burial; and in addition to this, the noble Lord proposed that the Secretary of State should decide upon the claims of parties to compensation. If this arrangement were carried out, the hon. Member for North Essex (Sir J. Tyrell), who was sitting behind the right hon. Gentleman, would be entitled to compensation for shutting up the Bethnal Green graveyard, which was the most notorious nuisance in London: he therefore thought it would place the Secretary of State in an invidious position if he were called upon to decide on claims of such a nature.

Sir WILLIAM MOLESWORTH said, he considered that when private property was destroyed for the public benefit, the public ought to pay for it. He meant to propose the insertion of words to empower the Secretary of State to order compensation for the closing of burial grounds in which burials might lawfully be made.

Mr. G. A. HAMILTON said, that, in the absence of his right hon. Friend the Chancellor of the Exchequer, arising out of circumstances which could not be controlled, there was considerable difficulty in dealing with this question, and he confessed he did not know exactly what course to pursue. The question, no doubt, was one of considerable difficulty, whether these compensations should be charged upon the Consolidated Fund or not. On the part of the Treasury, he (Mr. Hamilton) wished for time to consider the subject. If the resolution were allowed to pass now, he thought an arrangement might be made afterwards.

Mr. CARDWELL said, that his hon. Friend the Member for Southwark (Sir W. Molesworth) had raised a question of great magnitude. The principle laid down by the hon. Baronet was, that public abuses were not to be removed unless a claim for compensation were established upon the Consolidated Fund. At this period of the Session, when public business was in a confused state, he deprecated any proceedings which would have the effect of imposing a charge upon the public Treasury, unless Parliament were well advised upon the consequences of the step which it was proposed to take.

Sir JOHN TYRELL said, that the hon. Member for Finsbury (Mr. T. Duncombe) had thought fit to call the attention of the House to the burial ground in Church Street, Bethnal Green, in which he (Sir J. Tyrell) had an interest. It was true that the graveyard in question might be a nuisance; but the National Gallery was built on the site of an ancient graveyard, and the quadrangle of Somerset House comprised an old burial ground. He received a ground-rent for the property to which the hon. Member for Finsbury had adverted, and he did not see why he should be prevented from turning it to the best advantage he could. Why should the House confiscate his property? It was a misfortune, no doubt, to have property of that description; but he had no more control over it than the Archbishop of Canterbury or the Bishop of London had over the property which belonged to them in the neighbourhood of that House, though the revenues accruing from that property arose from immoral sources.

Mr. T. DUNCOMBE said, that he had made himself master of the case at the suggestion of the hon. Baronet, who now considered the repression of a public nuisance to be confiscation.

Mr. WALPOLE said, that he had received a communication from his right hon. Friend the Chancellor of the Exchequer since this debate had commenced, and his right hon. Friend was of opinion that the Government ought to oppose this clause.

Sir WILLIAM MOLESWORTH said, it was his intention of dividing the House upon the question.

Motion made, and Question put, "That Mr. Speaker do now leave the Chair."

The House *divided:* Sir William Molesworth was appointed one of the Tellers for the Yeas, but no Member appearing to be a second Teller for the Yeas, Mr. Speaker declared the Noes had it.

Sir WILLIAM MOLESWORTH said, he would take the liberty of saying that he had proposed the compensation clause upon a clear and distinct understanding with the noble Lord (Lord J. Manners) that the consent of the Crown would be given. More than that, he had applied yesterday to the right hon. Chancellor of the Exchequer, and having obtained his consent, he had thought it his duty to persevere with it.

Mr. HUME said, he considered, as a

matter of order, that the House ought not to allow questions of this kind to be raised, unless the consent of the Crown were publicly stated. Any other course would lead to compromises which might be injurious to the public interests.

Mr. SPEAKER said, that the Queen's recommendation and assent only had the effect of enabling the House to consider the question of compensation.

Mr. WALPOLE said, that, in justice to the hon. Baronet (Sir W. Molesworth), he ought to state that the arrangement assented to by the Government was conditional upon the proviso being given up. As that had not been done, the Government thought they ought not to consent to the compensation clause.

House in Committee. Bill *considered* in Committee.

House resumed. Committee report progress.

THE AMEERS OF SCINDE.

Order read, for resuming Adjourned Debate [23rd June], "That there be laid before this House, Copies of the Evidence and Report of a Commission appointed to inquire into a charge preferred against His Highness Meer Ali Moorad, Ameer of Upper Scinde, of having made fraudulent alterations in the Treaty of Nounahar, concluded between His Highness and the late Meer Roostum Khan, and of all Minutes and Correspondence on the Indian Records connected with the charge.

"And, of the Report on Scinde of Sir George Clerk, K.C.B., late Governor of Bombay, dated the 24th day of April, 1848."

Question again proposed.

Debate *resumed.*

Mr. BAILLIE said, that when the House was adjourned last night he was about to state that the Government of India were taking steps for the purpose of rendering the condition of the Ameers of Scinde as agreeable under their fallen state as it was possible to be. As long ago as the 27th February, 1851, the Governor General of India, the Marquess of Dalhousie, in a Minute reviewing the conduct of Ali Moorad, and speaking of the cession of territory made by that individual in consequence of the forgeries proved against him, noticed, in the concluding portion of that Minute, the fact that this cession would place a considerable revenue at the disposal of the Government of India; and he then observed that, without entering into the question of his guilt, there might be reasons for showing mercy to and raising up from their present destitute condition the members of a once royal family, which he was anxious to lay before the Court of Directors. In their reply to that Minute, the Court of Directors expressed a hope that the Governor General would be shortly enabled to communicate with them on the subject; and on the 10th of November following the Governor General made a communication to the Bombay Government, stating that he was desirous of submitting to the Court of Directors, as quickly as possible, the views which it might be desirable to adopt for the amelioration of the condition of the exiled Ameers. The Bombay Government referred the matter to Mr. Frere, the Commissioner in Scinde; and in his reply, on the 15th of December, 1851, Mr. Frere expressed his opinion that the Ameers might be allowed, with perfect safety, to return to Scinde, but that he should be disposed to recommend a fixed stipend for their maintenance, instead of a grant of land. Mr. Frere also called attention to the fact that the families of some of the Ameers, who had been left under the protection of Ali Moorad, had been ill-treated and plundered while under his protection. He especially called attention to the case to the eldest son of Ali Roostum, who had a very large family, and who, having been plundered by Ali Moorad of his property, had been plunged into great distress, and was in fact in want of the common necessaries of life. Mr. Frere also directed the attention of the Bombay Government to the fact that the mother of Ali Roostum was in the same condition. He suggested, therefore, that power should be given to the authorities in Scinde to afford these parties temporary assistance; and on the 28th of April last the Governor General sanctioned that proposal until the pleasure of the Home Government should be expressed upon the subject. This was the latest information in the possession of the Government. He (Mr. Baillie) thought he had now shown that there was no backwardness or disinclination on the part of the authorities, either at home or in India, to render the condition of the Ameers as agreeable as was possible under their altered circumstances. His noble Friend (Viscount Jocelyn), in the address which he had made to the House, carried away by his own eloquence, had represented the Ameers to be models of virtue and innocence; but although his noble Friend had succeeded in showing that one of them was a rogue and a scoundrel, he did not think that he had thereby proved the others to be honest and virtuous men. On that question, however, he did not mean to pronounce any decided opinion. It was very possible that the Ameers might be very much like the average of other Eastern princes; but, under the circumstances of the case, he should be sorry to pronounce any opinion on the subject. So far as regarded the condition of the Ameers, he (Mr. Baillie) sympathised with the object of his noble Friend's Motion. What he found fault with was, that his noble Friend had tried to rake up a question of State policy which was decided in 1844. Such a step might tend to produce an opinion among the natives of India that there was nothing final or secure in the decisions of Parliament. There was no objection on the part of the Government to the production of these Minutes, with the exception of those which referred to past transactions, and for which, in his opinion, it would not be desirable for his noble Friend to press.

Colonel ESTCOURT said, that he had no authority from the noble Lord the Member for Lynn (Viscount Jocelyn) to act upon his behalf; but having heard the debate, and the interesting statements which the noble Lord had made, he thought that the whole of the papers which had been asked for ought to be produced.

Mr. HERRIES said, he did not think it necessary that he should then enter at any length into that case. The Government had not the slightest objection to the production of all the papers which could throw any light upon the subject. But he would submit that it was not desirable that the Report of Sir George Clerk, the late Governor of Bombay, on the state of Scinde, should be laid before the House. That Report was a very voluminous one, and contained references to other Reports, without which it could not be thoroughly understood. He did not think that its production was at all necessary for the purpose which the noble Lord (Viscount Jocelyn) had in view, and he, therefore, believed it would be better not to press, at least for the present, that portion of the Motion which related to that Report. At the same time he should add, that as far as the Government were concerned, they had no objection to furnish the fullest possible information with respect to all those transactions. The Governor General of India had already taken steps for improving, as far as he could, the condition of the Ameers; and he (Mr. Herries) had to state that he also would be ready to afford any assistance in his power towards the accomplishment of that object.

Mr. HUME said, that the suspicions which he had expressed in 1842 and 1843 had since been proved by events to be well founded, and showed that the Government had been the dupe of an artful and clever man. He did not mean to cast blame anywhere, but he thought this was a case in which the House ought to call for the fullest information, in order to show how the Government had been deceived. Never had men been so cruelly wronged as were the Ameers of Scinde. He did not say that they were morally pure, but he contended that they had been politically faithful. If they had turned against us when we were engaged in hostilities with Affghanistan, the consequences might have been fatal to our Empire in the East. He was glad to find that a settlement of their claims was now about to be made. It was never too late to do justice. He did not wish to prolong this discussion, because the Government professed a desire to treat the Ameers with proper consideration, and he hoped they would repair, as far as possible, the injuries inflicted by the Indian Government. He hoped, however, that some provision would be made for giving greater publicity to Indian documents than had hitherto been allowed. The garbling of public documents was a serious evil. He had been furnished by Sir Alexander Burnes with a complete copy of all his despatches to the Indian Government, and he had no hesitation in saying that if those despatches had been read at length at home, the Affghan war would not have taken place. From what had fallen from the Government, however, he had great confidence that what was about to be done would reflect credit upon the humanity of the Government, as well as do justice to individuals. He would only say, on the part of the noble Lord the Member for Lynn (Viscount Jocelyn) that, knowing the opinions which he had entertained upon this subject for many years, he was quite sure that nothing but the discharge of a most important duty could have kept him away from the House upon this occasion.

Mr. BAILLIE said, he wished to make a short explanation in reference to an observation which had fallen from him on the preceding day. He believed that the noble Lord who had brought forward the Motion was under the impression that he (Mr. Baillie) had accused him of inconsistency. Now he had not intended to have advanced any such charge against the noble Lord, because he had been aware that the noble Lord had always entertained the same opinions upon that subject. He had merely expressed his surprise that the noble Lord should have thought it necessary to have made a charge against a Government he had afterwards served under for acts which they had sanctioned in the year 1844.

Motion, by leave, *withdrawn.*

Copies *ordered*—"of the Evidence and Report of a Commission appointed to inquire into a charge preferred against His Highness Meer Ali Moorad, Ameer of Upper Scinde, of having made fraudulent alterations in the treaty of Nounahar, concluded between His Highness and the late Meer Roostum Khan; and of all Minutes and Correspondence on the Indian Records connected with the charge."

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 25, 1852.

MINUTES.] PUBLIC BILLS. — 1^a Metropolitan Burials; General Board of Health (No. 2).

2^a Excise Summary Proceedings; Woods, Forests, and Land Revenues; Valuation (Ireland); Metropolitan Sewers; Nisi Prius Officers; Friendly Societies (No. 2); Crime and Outrage (Ireland); Incumbered Estates (Ireland); Distressed Unions (Ireland); Public Health Act (1848) Amendment; Holloway House of Correction.

Reported.—Turnpike Acts Continuance; Poor Law Board Continuance; Inland Revenue Office; Savings Banks (Ireland).

3^a Pharmacy.

LEGAL EDUCATION IN THE INNS OF COURT.

LORD LYNDHURST said, he wished to put a question to his noble and learned Friend the Lord Chief Justice. He wished to know from his noble and learned Friend whether, as visitor to the Inns of Court, he was satisfied with the scheme of legal education which had been adopted by the Benchers of the different Inns?

LORD CAMPBELL said, he wished his noble and learned Friend had given him notice of the question he had just addressed to him. He had the honour to be visitor of the Inns of Court, and he rejoiced that the Benchers had at last been taking a step in the right direction. He had been labouring for the last twenty years to induce them to do so. He had always thought that the state of legal education in this country was disgracefully bad; he was very eager to see it amended, and he rejoiced that something had at last been done which might lead to amendment. He thought more might be done; but he thought it highly satisfactory that the Benchers had at last done so much. He did not feel that the Judges would be at all justified in interfering, when so good a disposition had been shown on the part of the Benchers of the Inns of Court in the commencement of this good work. He hoped the Benchers would still go on, that there might be the same opportunity of acquiring legal education in this country as in the other civilised countries of the world.

LORD LYNDHURST hoped that the system of education now to be adopted should not be left voluntary, but that there should be a compulsory examination of students before they were called to the bar.

LORD BROUGHAM said, as a Bencher, he was confident there was every disposition on the part of his brethren of the Bench, of at least one Inn of Court—Lincoln's-inn—to carry a good deal further than they had yet done the important measures which they had commenced for the improvement of legal education. But he entirely agreed with his noble and learned Friend, that if degrees were conferred as the result of studies in the different Inns, or in a University composed of the four Inns (which he thought would be the sounder system), that those degrees should only be conferred after compulsory examination; that was to say, that examination should be necessary for admission to the degree of a barrister, and that this degree should not be conferred except as the result of education in the Inns.

SURRENDER OF CRIMINALS (CONVENTION WITH FRANCE) BILL—QUESTION.

The MARQUESS of CLANRICARDE rose to put a question to the noble Earl the Secretary for Foreign Affairs, of which he had given notice. He wished to know whether Her Majesty's Government intended to communicate to Government any Correspondence with Her Majesty's Ambassador at Paris, or the French Ambassador in London, concerning the law lately enacted in France, which occasioned the withdrawal of the Surrender of Criminals (Convention with France) Bill, presented to this House. It was most desirable that two such neighbouring countries should be on such a footing with each other that criminals should be delivered up to the respective authorities claiming them; but at the same time it was impossible that this country could yield up the safeguards which protected the liberties of those who were subject to its laws. A convention had been entered into with France for the mutual extradition of criminals, and a Bill had been introduced by the noble Earl the Secretary of State for Foreign Affairs, for the purpose of authorising that convention; but that Bill had been suddenly withdrawn, without any sufficient explanation being afforded to the House. It appeared that the Government had been induced to adopt this extraordinary course in consequence of the French Legislature having given its sanction to an internal law regulating their criminal jurisdiction; but the noble Earl had not afforded to the House any information as to what that law was—in fact, it was evident that the noble Earl was himself unaware of it. The facts were, that no such law as that alluded to, as a reason for the withdrawal of the Bill, had been passed in France. It was true that the body charged with framing legislative measures in that country had a *projet de loi* submitted to it for the re-enactment of the law of 1808—a most objectionable law. But if the House recollected what was the state of France with respect to England and the rest of Europe at the time that law was passed, they would at once understand why that law had been then passed, and they would also see how perfectly impossible, considering the relations at present existing between the countries, it would be to re-enact it. It was absurd to imagine that the French Government would lend itself to favour such a proposition. What did this law do? It enacted that if a man, no matter in what country, should act in a manner contrary to French law, or in hostility to the French Government, he should be amenable to the French tribunals—

The EARL of MALMESBURY: That was not the law to which reference was made.

The MARQUESS of CLANRICARDE was only speaking upon the supposition that this was the law referred to. However, there must have been some communication with the French Government upon the subject. He thought they were entitled to know how the matter really stood. They ought to see that the dignity and consistency of the Sovereign had been properly maintained. He did not think that proper deference had been shown to the House, or that proper courtesy had been exercised towards France, with which it was most important that this country should be on terms of perfect amity, by the sudden withdrawal of the Bill.

The EARL of MALMESBURY: In answer to the question of the noble Marquess, I at once say, that I have no communication which I can lay before your Lordships in the shape of correspondence upon this subject. But I am glad to state to the House that the French Government, from the moment that Her Majesty's present Government acceded to office, have always acted in the most friendly and frank manner. Upon the introduction of the measure to which the noble Marquess adverts, there was an impression adverse to it manifested by the House; and the French Government no sooner perceived that this was directed against the *projet de loi* then under consideration, than they gave me an assurance that the *projet de loi* would not be persevered in: so much in answer to the question of the noble Marquess. But I cannot sit down without expressing myself as to the feeling shown by the noble Marquess on the very first two nights the question of the French Convention, and the Act of Parliament which was to give it life, was under discussion. I do not hesitate to say that, Her Majesty's Government knowing that they are in a minority in the other House of Parliament, I trusted and believed that in questions in which party spirit ought not to intervene, that we should have had the full and entire assistance of Her Majesty's late Government in carrying out an Act of Parliament which they themselves had prepared, which was drawn up by their own officers according to their own instructions, and which I in no way altered either in the sense or in the text. Two clauses I did add; one positively defining the offences for which surrender was to be made, and enacting that it should be only for such offences as were in this country deemed felonious—that clause was therefore framed in no spirit which deserved the reproof with which I have been met by the noble Marquess. The second clause gave additional security to political offenders, by preventing them from being again tried for the same offence if they had been once surrendered under the Convention. This was done after the Bill had been drawn up under the late Government; and Her Majesty's Government had reason to expect that a great party like that which sat opposite would for a moment have forgotten all political difference, and would have assisted in passing a measure which they themselves deemed necessary for this country, and which it was due to France should be passed, inasmuch as noble Lords opposite know very well that the Convention at present in force was unfair to that country. The noble Marquess, therefore, when he pretended to show himself anxious to preserve our friendly relations with France, should either have supported his own Bill, or afforded me that information upon French law, of which he says that I am not possessed. If I understand the drift of the noble Marquess's observation it is this—he finds fault with me for not having paid due deference to the Crown and to this House. Why, my Lords, it was in deference to the House that I did not press the Bill. The noble Marquess has given me a lesson in the law; but upon the occasion of the discussion on the Bill several Peers most learned in the law expressed opinions against it. It would have been presumptuous for me to have persevered in the Bill in contradiction to these opinions. I saw the impression made upon your Lordships, and in deference to that impression I withdrew the Bill. I do not deserve, therefore, the accusation of failing in respect towards your Lordships; but least of all do I deserve the censure which the noble Marquess has cast upon me for having signed a Convention which I did not make, which was drawn up by the noble Earl opposite, my predecessor in office (Earl Granville), and for having attempted to carry out that Convention by an Act of Parliament, described by the noble Marquess as trenching on the liberty of the subject, when, in fact, I had added two clauses that strengthened that liberty. It was not just or fair, therefore, of the noble Marquess to say that I paid any disrespect to this House in withdrawing the Bill, or that I neglected to secure the liberty of the subject by consenting to narrow his constitutional rights in this instance. But at the same time, my Lords, I am bound to say, that I have not altered my opinion as to the immense importance of some Convention on the subject before the House. The French Government have determined—and I cannot say they are wrong—to renounce the present Convention as unfair and useless to them; and if that comes to pass, you will not be able to claim our criminals in France, any more than France will be able to claim her criminals in England. The criminals of both countries who can contrive to escape will consequently find impunity; and England as well as France will once again become a mutual and a safe asylum for the malefactors of each nation.

EARL GRANVILLE was quite prepared to accept any responsibility which rested with him for the share he took in drawing up the Convention. It was quite clear they could not get the French Government to go on with the Convention unless we devised some means by which France would be enabled to claim her criminals here as effectually as British criminals were claimed in France. He, for one, would willingly give all the assistance in his power. He must entirely protest against the general impression which the statement of the noble Earl seemed calculated to convey. Legal objections had been stated by noble and learned Lords of high legal authority, and they particularly guarded themselves against the notion that they were making a party attack. It was in deference to these opinions that the House had given the measure an unfavourable reception; for it was quite clear that the Government could not go on with the present Convention.

LORD CAMPBELL was understood to say, that he was willing to have done all in his power to assist the noble Earl; but as the Bill stood it could not be carried into effect, as the Convention could not be changed. It was exceedingly to be desired that some arrangement should be come to on the subject, and he trusted that the noble Earl would assiduously devote himself to the consideration of some plan calculated to remove the existing difficulties.

The MARQUESS of NORMANBY could fully confirm what had been stated by his noble Friend opposite, that the French Government had just cause of complaint with respect to the existing state of the treaty between the two countries. His intimate acquaintance with France during the last few years enabled him to testify that great service had been done by the practical operation of the existing treaty to the interests of this country. Under it great service had been done especially to the commercial interests of this country, in enabling parties to obtain possession of the persons of those who otherwise, from the neighbouring country being so contiguous, would have profited by the opportunity thereby afforded them to set the law of this country at defiance, and enjoy impunity. He felt convinced that if the French Government were to attempt the course which the noble Earl had intimated as possible that it would do, the commercial interests of England would suffer very considerably. He was anxious that the noble Earl should therefore turn his attention to some practical remedy of the difficulties which appeared at present to stand in the way of a satisfactory arrangement of the subject. He could not sit down without stating, that during the whole period which he had laboured in endeavouring to maintain amicable relations between the two countries, he had seldom listened to any statement with greater pleasure than that of the noble Earl (the Earl of Malmesbury) with regard to the manner in which the French Government have acted with respect to the withdrawal of the *projet de loi* referred to.

LORD BROUGHAM, in referring to the Convention which it was the object of the proposed Bill to carry into effect, and to the law recently made in France, stated that the circumstances under which it was proposed to proceed against offences committed out of France differed very materially from those which existed at the date of the Code from which this new law was in great part taken, namely, 1808; and it was natural, in consequence, to look upon it with far greater jealousy, not to mention that it carried the law of 1808 much further. After the opinion expressed by very eminent lawyers in that House, as to the legal difficulties in the way of passing the Bill, it appeared to him that sufficient grounds existed for suggesting its postponement until its provisions were more fully and maturely considered; and he strongly recommended this course to the Government. At the same time he deeply regretted that some arrangement had not been come to which would have placed the question in a satisfactory position, as they could not expect that the French Government would continue to give this country the benefit of the existing Treaty if no corresponding benefit were given them in return. With respect to the position of the French Government, it was at present occupied in attempts to solve an impossible problem—impossible because the *data* were inconsistent and repugnant—of forming a constitution which should vest absolute power in the Executive, and legislative power in a representative and elected body. That was a problem which, in his opinion, never could be solved, and he only trusted that the difficulty would be got over without any shock to the tranquillity of France, or the permanent peace of Europe.

The MARQUESS of CLANRICARDE denied that this had been made a party question; it was not attempted to defeat the Bill on the second reading. [The Earl of DERBY (we believe): Your own Bill.] He took upon himself, as a Member of the late Government, to say that he not only never saw the Bill which the noble Earl had stated had been prepared by the late Government, but that his noble Friend near him (Earl Granville) also had never seen it, The Bill was merely prepared by the Crown lawyers for further revision and consideration. His object in bringing forward the subject was to obtain information and an explanation which would be satisfactory to the people of this country, not less than to the French Government, as regarded the conduct of Her Majesty's Government in the matter. But if the noble Earl (the Earl of Malmesbury) wished him to make a charge against him, he would do so—his charge was that he (the Earl of Malmesbury) had very hastily thought that he was competent in a month or six weeks to take upon himself to produce a Bill which the noble Earl near him (Earl Granville) had had under his consideration, and upon which the noble Viscount who had preceded him in the Foreign Office had also for a long time bestowed considerable attention. It was a most difficult and delicate subject to deal with, one upon which he was as anxious as the noble Earl himself that there should be some satisfactory legislation, and whenever Her Majesty's Government should bring forward any measure upon it, he promised them that he would consider it—as he had done the recent Bill—without the slightest jot or iota of feeling of party spirit.

NEW ZEALAND GOVERNMENT BILL.

Order of the Day for the House to be put into Committee read; House in Committee accordingly.

The DUKE of NEWCASTLE said, that as he had expressed very strong objections to one or two of the provisions of this Bill in the debate on the second reading, though he agreed with the general purport of the measure, it was not necessary that he should now repeat any of the arguments which he had then endeavoured to adduce. It was now his intention to propose certain Amendments, which he thought necessary and desirable. First of all, the clauses from 33 to 39 inclusive were those which constituted the Upper Chamber of the Legislature of New Zealand. He stated fully on the former occasion, when the Bill was read a second time, the great objections he had to the Upper Chamber being composed of nominees of the Government. He would not now repeat the objections which he had urged on this point on that occasion; but he would simply remind the noble Earl at the head of the Government of the practical experience we had had of the working of the system of nominee chambers, and how uniformly that experience proved the unfitness of the system for carrying on the functions of legislation. The disturbances which took place in Canada in reference to that question went strongly to prove the mischievous operation of the system. He thought, too, he could assign an additional reason against a nominee Chamber in New Zealand when he reminded their Lordships that they were now establishing a free government at the Cape of Good Hope, where the English settlers were comparatively few, but where nevertheless they were giving a far more liberal constitution in this particular respect than they now proposed to confer on New Zealand by this Bill. He did not think he need go over the grounds he stated the other night. He might just remark, generally, how utterly unlike their Lordships' House that nominee Chamber would be, and how impossible it was to plant in our distant Colonies institutions exactly such as we had in the mother country. He was confident their Lordships would obtain a better class of men by an elective system, properly restrained, both as regarded qualification and the mode of election; and with that conviction on his mind, and apprehending also the serious alarm to which the imposition of a nominee system on New Zealand would give rise in the minds of the Colonists—for that was a point on which the inhabitants of all the Colonies felt most anxious—placing, as it would, their Governor in the position in which so many previous Governors had found themselves, of being either obliged to give way to the inevitable difficulties of the system, or to resort to the expedient of overruling the opinions and voices of the old members by the addition of new ones—and entertaining those objections most strongly, he felt it his duty to move the omission of the 33rd Clause from the Bill—and if he should succeed in that, all the subsequent clauses down to the 39th inclusive—for the purpose of inserting the clause of the noble Earl lately at the head of the Colonial Department (Earl Grey), to which reference was made on the last occasion when the Bill was before their Lordships, and which provided that in constituting the Upper Chamber the members should be elected by the local Legislatures of the six Districts to be constituted under the provisions of this Bill.

The EARL of DESART regretted that on the part of the Government he could not assent to the proposition of the noble Duke. It might be quite true that inconvenience had occasionally arisen from differences of opinion between the Upper and Lower Chambers; but, without seeking to compare a Legislative Council to a House of Lords, he might remark that the same inconveniences had arisen from the House of Lords and House of Commons being of different opinions, and yet nobody denied that the system worked well in the end, notwithstanding the inconvenience which occasionally accrued. What the Government wished to see in the colony of New Zealand, was not a system similar to the House of Lords—for that was impossible, and he might add Utopian—but they aimed at creating something analogous to the House of Lords; for he considered the great benefit they derived from that institution was, that they had a legislative body with certain powers, which were not liable to be affected by the influence of popular feeling. He thought they could constitute a body in the colonies, which, not being elective, would not be subject to be influenced by popular feeling, which might be transitory. It was for those reasons that he thought this clause a very valuable one, and therefore he regretted he could not accede to the proposition of his noble Friend.

The EARL of HARROWBY supported the Amendment, contending that experience had proved that a nominee Chamber had no weight in the colonies, and that it was only regarded there as an instrument of the Government. His wish was that there should be two Chambers, one representing property and the other population, but that both should be elective—a system analogous to that which had been adopted in the United States with so much success.

The EARL of DERBY thought their Lordships would agree that there ought to be some check on a purely democratic constitution. He confessed, however great had been the admiration expressed from time to time of the American Republic, he was not desirous of framing the constitution of our Colonies upon republican models. He would rather frame them on the British than the American—rather on the monarchical than the republican principle of Government. He quite agreed with the noble Earl (the Earl of Harrowby) that it was important to have property represented as well as population; and that was precisely what would be done in New Zealand under this Bill—for the Governor of New Zealand would depart from his duty to the State if he did not take care that the members who were nominated to the Upper Chamber were men of large property and of respectability and standing, and who had a large stake in the colony of New Zealand. He confessed he did not expect to see in the Colonies in their day, nor in their sons' or grandsons' day, anything resembling the constitution of the mother country; yet he did hope that in New Zealand, which was a most important and promising colony, there would arise in time a class of men possessing large property, out of whom might be taken those who would represent the aristocratic element in the colony; and he thought, looking forward to that period, it was important that the Crown should have the power of nominating, not a body of men who would be the mere representatives of the Government of the day, but men who, being chosen personally, retained their full rights of legislation, wholly independent of the Government, for their lives, and who should not be capable of being dismissed, and who would in consequence exercise a great deal of influence both on the popular will on the one hand, and on the will of the Governor on the other; and that influence would go on extending and increasing as the aristocratic element developed itself, until it might ultimately approximate to the principles of the British Constitution. Thinking, then, that a body of men, holding their seats for life, possessed of property, and holding a stake in the colony, were a valuable check on the democratic principle, he was of opinion that it was exceedingly important that that element should not be lost sight of, and that the exercise of that valuable check should be retained in the hands of an influential body of men, such as he had described.

The DUKE of NEWCASTLE said, seeing that there were at that moment only three or four Members on the Opposition side of the House, and few independent Members on the other, he should not think of troubling their Lordships to divide on his Motion.

Motion *negatived.*

The DUKE of NEWCASTLE, in reference to the 58th Clause, which gave to Her Majesty the power of vetoing any Bill passed by the colonial Legislature, within two years after its receipt at the Colonial Office, said he had called the attention of their Lordships, on the second reading, to the fact that whilst the Governor's power of veto was limited to three months, that of the Colonial Office at home was fixed at two years. He thought that the same restrictions might with great safety be introduced into the power of veto of the Colonial Secretary. He believed there was a great practical inconvenience in allowing the Colonial Secretary to exercise his veto over a Bill of the colonial Legislature for so long a period as two years after its receipt by him in this country. He would move as an Amendment to Clause 58, that the power of veto proposed to be confided in the Secretary of State at home should be limited to three months, instead of two years, after his receipt of Bills from the colonial Legislature presented for Her Majesty's assent.

Amendment *negatived.*

The DUKE of NEWCASTLE then suggested that the clauses for giving compensation to the New Zealand Company should be postponed, with a view to legislation in the next Session, and in order to admit of inquiry in the meantime into the allegations which had been made against the conduct and fair dealing of the Company. He would not go into the details of the subject, having so recently adverted to them when the Bill was last before the House, but would simply sum up his observations under three heads. First, there were certain charges brought against the New Zealand Company; and, without expressing any opinion as to whether those charges were just or not, there was, at any rate, a *primâ* *facie* case, which did absolutely require a full investigation; and, in the meanwhile, it was not desirable to place that Company, against which those charges were brought, in a more favourable position than it stood at present, which this Bill did, for the Company would receive 5*s.* for every acre of waste land sold or alienated in the colony after the passing of the measure, until their debt was paid. A second point was this—that, induced by the representations made by the New Zealand Company, the Legislature, in 1847, passed an Act, by the 19th Clause of which the Government in this country became responsible for all the claims which might be substantiated against the New Zealand Company by that class of colonists called the Nelson settlers. That Company was bound to indemnify those settlers, if any case should be made out against it, by land instead of money; and the Government would, therefore, find themselves in this most anomalous position—that if these Nelson settlers should hereafter establish their case, and it should be found that the Government had parted with the whole of the land in the colony, the Government would be obliged to repurchase of the colonial Legislature a sufficient quantity of land to indemnify those settlers. Those were two of his points—the first had reference to the general principle of justice; the second was connected with the interests of the Empire. His third point was this: He thought that unless stronger reasons could be shown than had been shown in the other House of Parliament—and none had been shown in their Lordships' House, for it had not been discussed there—it was not right towards the settlers of New Zealand that the first charge of a heavy mortgage of 268,000*l.* odd should be imposed upon them. It was a most fearful liability to throw on them. Looking to the probability that for the present the great tide of emigration would set in towards the Australian Colonies rather than in the direction of New Zealand, they would have the interest of that mortgage perpetually increasing, and it would be in all probability the ground of future applications to the British Legislature to pay that accruing debt. He repeated, it was not expedient or fair towards the colonists to impose such a burden upon them. In doing so they made it the interest of the colonists to endeavour by every means however questionable to defeat the intentions of the Legislature by their own arrangements in reference to the sale of the lands in question. For these three reasons he thought it was most desirable that this arrangement with the New Zealand Company should not be made, believing it would not be fair to hand over the management of the lands to the colonists, placing the New Zealand Company in a better position than that in which it at present stood, and that to impose this heavy burden upon an infant colony is neither politic nor just. Being desirous, therefore, that strict justice should be done to all parties concerned, he would now move that the clause handing over the management of the lands to the colonists should be postponed, with the view of its being considered in the next Session of Parliament.

The Earl of DESART regretted again that he must refuse his assent, on the part of the Government, to the proposition which had been made by his noble Friend. He (the Earl of Desart) would not go into the question whether the New Zealand Company were justly liable to the charges which had been brought against them or not. He did not think that their Lordships' House was the proper place to investigate such matters; and he believed his noble Friend was of a similar opinion on that head, his object being, as he understood it, merely to prevent the New Zealand Company being placed in a better position than they now were until an inquiry had taken place. But he (the Earl of Desart) maintained that this clause would not place them in a better position than that in which they formerly stood. The New Zealand Company were willing to accept the certainty of one-fourth of the produce of the waste lands for the uncertainty which they at present possessed; and he believed that, if anything, their position in a pecuniary sense would be less profitable than hitherto. The latest accounts from the colony afforded the pleasing evidence of the speedy settlement of the land claims. The Government had made themselves liable to certain claims in 1847; and the claimants were perfectly satisfied with the operation of the different arrangements that had been carried into effect. In twelve months more Her Majesty would have the control of the waste lands; and by this Act the Government would not put himself in a worse position than it had occupied since 1847. As to the charge of fraud, he thought it would be unfair to prejudge the case. They were bound to place the New Zealand Company in such a position that they could not accuse them of having prejudged the case against them.

Motion *negatived*.

Bill to be read 3ª on *Monday* next.

THE CANTERBURY SETTLEMENT, NEW ZEALAND.

LORD LYTTELTON begged, pursuant to notice, to present a petition from the inhabitants of the Canterbury Settlement, New Zealand, complaining of a public attack made by the Governor of New Zealand on the principles upon which that settlement was founded, and praying for the adoption of measures granting to the Colony a constitutional Parliament, elected by the inhabitants of the Colony, in place of the nominated Council at present existing. Feeling deeply interested in the prosperity of that Settlement, he availed himself of, possibly, the only opportunity that might be afforded to him this Session, of presenting this petition to their Lordships. It had just reached him, and he would venture, however unwillingly, to request the particular attention of their Lordships to its contents. The noble Lord read the petition, which, after referring to the establishment of the Settlement, set forth that fourteen ships with emigrants had arrived there in the course of nine months. He begged here to remark, that the petition had been framed about seven or eight months ago, and that since that period the thirteen or fourteen ships had increased to twenty-two or twenty-three ships. The petition stated in the next place, that the population amounted to 3,000 souls; but if the statement were now made, the population should be estimated at 4,000 or 5,000. The petition further stated, that surveys had been made—a considerable extent of land had been enclosed—the amount of land in cultivation was increasing—means were afforded for the worship of God—schools were established, and a plan for the establishment of a university was already commenced. The petitioners then stated that they had learned from a source that could be relied upon, that Her Majesty's Representative in the colony of New Zealand had, on several occasions, at meetings of the Legislative Council of the colony expressed strong objections to the principles and proceedings on which the Association was founded, and that he had forwarded to Her Majesty statements professing to convey the sentiments of the people of the Islands which were hostile to the Settlements, and praying that Her Majesty would cause all the land in the colony to be sold at the same uniform price. The petitioners declared that the memorials so forwarded by the Governor contained ununfounded statements. The petitioners deeply regretted that they were obliged to point out the inaccuracies and misstatements conveyed to Her Majesty, and the more particularly so as the document containing them had received the sanction of the highest authority in the colony. But the petitioners declared that it did not speak the sentiments of the people of New Zealand. The petitioners further stated that they saw cause for great alarm in the attack that had been made upon them; they feared that it might inflict the deepest injury upon them, and that the public in England thinking Her Majesty's sanction was withdrawn, the sale of the lands would be stopped. They concluded with a prayer for a representative constitution, which, after the proceedings of that evening, was quite superfluous—a Bill having nearly passed through both Houses of Parliament on the subject to which it had reference. He had been anxious to read this petition to their Lordships, for the purpose of giving publicity to the statements contained in it, confirming as they did an observation he had made the other night, in reply to a remark of the noble Earl the late Secretary for the Colonies (Earl Grey) with respect to the Canterbury Settlement. That settlement had already arrived at a great state of advancement, and on no point had the hopes of the emigrants to that colony been disappointed, for they had either been realised, or were in the course of realisation. It was not true, for instance, with regard to the Canterbury Settlement, or any other Settlement in the Colony, that any serious loss had been inflicted upon them by any withdrawal of their population consequent upon the discovery of gold in Australia. Some of the newspapers, for purposes best known to themselves, had given currency to vague rumours that had reached this country some time ago, that some settlements in New Zealand were almost deserted; but that statement was without a shadow of foundation. Statements had reached this country, later than the rumours so promulgated, to the effect that, although the minds of the people of New Zealand had been unsettled by the accounts of the gold discoveries—just in the same way as the minds of various people throughout Europe had been agitated by the same cause—scarcely any persons had left the settlements to go to the gold fields, and that there was every reason to hope that they would follow the advice of their judicious friends, and remain in the colony, for, in all probability, owing to the gold discoveries, an abundant market would be opened for their produce, which must tend greatly to their advantage. The case with respect to the Governor of New Zealand was this—This Canterbury colony was actually founded in the year 1848. The project had been ventilated and discussed in this country for a considerable time before that, but it then received the sanction of a Royal Charter, and the deliberate approval of Her Majesty's Government and of Parliament. Recommended in that way, the scheme was transmitted by the late Government to the Governor of New Zealand, and it was enjoined upon him to give that undertaking every support in his power. The Governor (Sir George Grey) professed to do so —he spoke of it favourably—and for a time he appeared to support it in action; and now, three years after its establishment, in the autumn of 1851, the Governor thought fit, on a most public occasion, at a meeting of the Legislative Council of that colony, to make a deliberate attack, not upon anything the Association or the colonists had done—for if they had left themselves open to animadversion, no person would have a right to complain—on the contrary, he admitted that, in every respect, what had been engaged for had been successfully carried on; but he made a sweeping attack upon the whole of the essential and fundamental principle upon which that colony was founded. The principle was as simple as possible—it was to plant a colony whose general character should be of the Church of England, and that 1*l.* out of the 3*l.* per acre that was to be paid for land should be applied to the purposes of the Church of England in the colony. That was the whole of the machinery intended for that purpose, and it was against that principle, and that principle alone, that the Governor contended; because he said it would not be acting fairly towards other denominations to have the land dealt with in that way. The Governor also urged that there were economical objections to the variation of the price of land in the Canterbury Settlement, and in the rest of the colony. These were objections to the fundamental principles of the plan, and it was grossly inconsistent with the duty of any Governor, after three years' existence of this system, against which he had never remonstrated, to protest now against the whole principle of a measure that had received the sanction of all the authorities to whom he was bound to defer. His noble Friend the late Secretary for the Colonies had been misinformed as to what the Governor had said; and in his (Lord Lyttelton's) opinion it was the duty of Her Majesty's Government, in taking cognisance of what the Governor had done, to reprove him for making so improper an attack. Whether Her Majesty's Government had done so, or were likely to do so, he did not know, but he was glad to have that opportunity of publicly protesting against his conduct.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, June 25, 1852.

MINUTES.] PUBLIC BILLS.—*Reported.*—Metropolitan Burials.

3° Metropolitan Burials; General Board of Health.

ABERDEEN BOYS' AND GIRLS' HOSPITAL SCHOOL.

MR. BROTHERTON moved that the House do agree to the Amendments made by the Lords in this Bill.

Amendments *considered*, and *agreed to*, as far as the Amendment in page 11, line 7.

On Question that the next Amendment in page 11, line 7 [leave out "right,"] be read a second time,

MR. GLADSTONE said, he objected to this Amendment. In describing the Bishop of Aberdeen, Dr. Skinner, the Lords had struck out the word "right" before the word "reverend," as it stood originally in the Bill, so that the Bishop was called simply "the Reverend W. Skinner." He moved to restore the words which the Lords had struck out, because he believed that "right reverend" was the proper and legal designation of a Bishop everywhere.

MR. BROTHERTON thought that it would be better to let the Bill stand as it had come down to them from the Lords.

Motion made, and Question put, "That this House doth disagree with the Lords in the said Amendment."

The House *divided*:—Ayes 64; Noes 15: Majority 49.

List of the AYES.

Adderley, C. B.
Arkwright, G.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Beresford, rt. hon. W.
Boldero, H. G.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Carter, S.
Chandos, Marq. of
Christopher, rt. hn. R. A.
Clive, hon. R. H.
Cockburn, Sir A. J. E.
Currie, H.
Disraeli, rt. hon. B.
Dodd, G.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Dundas, rt. hon. Sir D.
Dunne, Col.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Farrer, J.
Fuller, A. E.
Galway, Visct.
Gilpin, Col.
Gordon, Adm.
Gwyn, H.
Hamilton, G. A.
Hamilton, Lord C.
Hayter, rt. hon. W. G.
Henley, rt. hon. J. W.
Hope, Sir J.
Jolliffe, Sir W. G. H.
Knox, hon. W. S.
Legh, G. C.
Lennox, Lord H. G.
Mackinnon, W. A.
Mandeville, Visct.
Manners, Lord J.
Masterman, J.
Morgan, O.
Napier, rt. hon. J.
Pakington, rt. hon. Sir J.
Palmer, R.
Prime, R.
Seaham, Visct.
Sotheron, T. H. S.
Stafford, A.
Tennent, Sir J. E.
Thompson, Col.
Tollemache, J.
Trollope, rt. hon. Sir J.
Waddington, H. S.
Walpole, rt. hon. S. H.
Willoughby, Sir H.
Wood, Sir W. P.

TELLERS.
Gladstone, W. E.
Adair, H. E.

List of the NOES.

Aglionby, H. A.
Boyle, hon. Col.
Brown, W.
Clay, Sir W.
Duncombe, T.
Evans, Sir De L.
Hall, Sir B.
Harris, R.
Hindley, C.
Langston, J. H.
Matheson, Col.
Milligan, R.
Stuart, Lord D.
Tennent, R. J.
Wrightson, W. B.

TELLERS.
Brotherton, J.
Duncan, G.

Lords' Amendment *disagreed to.*

In page 11, line 8, the next Amendment [after "D.D." insert "Episcopal."]

MR. GLADSTONE said, he had another Amendment to propose. He did not know what artist in the House of Lords had tried his hand upon this Bill, but he certainly could not compliment him upon his skill. The title of Bishop "of" Aberdeen had been altered to Bishop "in" Aberdeen, and to that he did not object; but he did object to have Dr. Skinner described as an "episcopal" bishop. He hoped there would be no division upon this question. He thought the title of the Bishop should run thus, "the Right Reverend William Skinner, Bishop in Aberdeen, and Primus of the Scottish Episcopal Church."

MR. HENLEY suggested, whether "Primus of the Episcopal Church in Scotland" would not be the more correct designation.

MR. GLADSTONE assented to this view of the case.

Lords' Amendment *disagreed to.*

Subsequent Amendments *agreed to.*

Committee *appointed,* "to draw up reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed:"—Mr. Gladstone, Mr. Henley, Mr. Tatton Egerton, Mr. Cornwall Legh, Mr. Currie, Colonel Estcourt, and Admiral Gordon.

COLONIAL BISHOPS.

SIR ROBERT H. INGLIS wished to ask the Secretary for the Colonies a question of which he had given a general notice. He wished to know whether any reply had been sent to the despatch of the Governor of New South Wales, forwarding the remonstrance of the Bishop of Sydney with regard to the rank and precedence which Earl Grey, by his despatch of January, 1849, had instructed the Governor to give to archbishops and bishops appointed by the Pope of Rome over and before bishops lawfully nominated by Her Majesty?

SIR JOHN PAKINGTON said, he was not aware till he entered the House that day of the exact nature of the question which his hon. Friend intended to put to him. In the present state of the question, the House would, perhaps, permit him shortly to refer to the despatch to which his hon. Friend had alluded. In the first despatch, that of 20th November, 1847, Earl Grey stated that as Parliament had by a recent act of legislation—the Charitable Bequests Act—formally recognised the rank of the Irish Roman Catholic archbishops and bishops, by giving them precedence after Protestant archbishops and bishops of the Established Church, it had appeared to the Government to be their duty to conform to that rule, and that he had accordingly to instruct the Governor that he should thereafter officially address Roman Catholic prelates by the title of your grace, or your lordship, as the case might be. He thought the House would see that the premises in this passage of the despatch did not exactly lead to the conclusion. In consequence of that despatch the Bishop of Sydney wrote to the Governor, wishing to know whether it was the intention of the Government that the Most Rev. Archbishop Holding should take precedence of a bishop of the Church of England. That letter was forwarded to Earl Grey, and on the 9th January, 1849, Earl Grey sent another despatch to Governor Fitzroy, stating that he regarded the Bishop of Sydney in the light of metropolitan, and that his instructions did not refer to the Bishop of Sydney, who, as metropolitan, was entitled to precedence over the Roman Catholic archbishop. In consequence of that despatch the remonstrance of the Bishop of Sydney, dated 22nd May, 1850, was sent home. In that remonstrance the Bishop of Sydney made some exceptions to the terms in which he had been referred to, and called attention to the fact, that, although as a metropolitan he was to take precedence of Roman Catholic archbishops and bishops, yet that did not apply to suffragan bishops. The despatch on which the question of his noble Friend was founded was received at the Colonial Office on the 4th of January, 1852, shortly before the present Government came into office. No answer had been given by his predecessor (Earl Grey) to that despatch. When he came into office he found that despatch had not been answered; and since then the pressure of business had been so great that up to the present time no answer had been sent to it. His intention, however, was to answer it in a very short time, and to communicate the views of the Government on the question.

SIR ROBERT H. INGLIS trusted that his hon. Friend would be able to state that he did not intend to recognise, in any answer he might send out, such a construction of the despatch of Earl Grey as he had now given.

SIR JOHN PAKINGTON thought that after the answer he had already given, his hon. Friend could hardly expect him to state anything further.

SIR ROBERT H. INGLIS said, if he had a seat in the next Parliament, he should certainly bring the subject before the House.

ST. JAMES'S PARK—CONSTITUTION HILL.

MR. T. DUNCOMBE begged to ask the right hon. Secretary for the Home Department, why the privilege of riding down Constitution-hill to the Birdcage-walk was withdrawn from the public?

MR. WALPOLE said, he was very much obliged to the hon. Member for having put the question. The answer to it was a very simple one, namely, that the privilege had not been withdrawn, nor was it intended to be. There had been some misapprehension on the subject. The gates were, it was true, closed on Wednesday evening and Thursday morning; but so soon as the fact was brought to his knowledge on the Thursday morning, he had the matter corrected. He wished the House to be fully aware that no privilege whatever with reference to the parks had been withdrawn from the public since Her Majesty had come to the Throne. Last year a new and temporary privilege was conceded to the public, namely, that of allowing persons to pass through the Stable-yard on horseback. This was to facilitate the going to the Crystal Palace. He begged to inform the House that that privilege was not intended to be withdrawn. Advantage, however, had been taken of the privilege, and certain carriages had gone up and down Constitution-hill without permission. Instructions were therefore given to stop carriages that were found to be driving up and down; but no instructions had been given to prevent persons on horseback from going to and fro, as before.

THE SALE OF CHICORY.

SIR WILLIAM PAGE WOOD said, he was desirous of putting a question to the right hon. the Chancellor of the Exchequer, in consequence of very considerable apprehension that had been induced in the minds of a number of persons engaged in the manufacture of Chicory, by a statement made recently by a noble Lord (the Earl of Derby) in another place. The question he had to put on behalf of those persons, who had invested considerable property in the cultivation and manufacture of Chicory on the faith of the Treasury Minute of August, 1840, was, whether it was intended by Her Majesty's Government to make any and what alteration in the Treasury Minute, and whether such alteration would take immediate effect?

The CHANCELLOR OF THE EXCHEQUER: The Treasury Minute of August 1840, has not been rescinded; and if it be altered, it will be altered in a way that will not disturb or injure the fair trader.

THE KAFIR WAR.

MR. ADDERLEY said, he begged to inquire of the right hon. Secretary of State for the Colonies, if recent information from the Cape of Good Hope represented General Cathcart's policy to be that of driving the Gaikas over the Kei upon the tribes beyond, and occupying their vacated territory; and, if so, what prospects there might seem to be of any remote termination of the war?

Sir JOHN PAKINGTON begged to state, in reply to the question of his hon. Friend, that the last despatches received from General Cathcart—the first which had been received since the arrival of the general at the seat of war—did announce to Her Majesty's Government that the general had made public in the Colony his intention to drive the Gaika tribes across the Kei, and to occupy their territory. Her Majesty's Government regarded this as one of those steps which were considered necessary by General Cathcart, with the view to bring the war to a successful and early termination, and did not consider it would in any way compromise the policy of Her Majesty's Government with regard to the frontiers of the Cape Colony. In reference to the latter part of the question put by his hon. Friend—whether he (Sir J. Pakington) could hold out any hopes or remote prospect of a termination of the war, he could say that the despatches received from General Cathcart did hold out hopes to the Government that the termination of the war was not very distant.

METROPOLITAN BURIALS BILL.

Order for Committee read.

House in Committee.

Clause 2.

VISCOUNT EBRINGTON said, he wished to inquire whether the Proviso proposed by the hon. Member for the Tower Hamlets (Sir W. Clay) to prevent the erection of shops and dwelling-houses upon private burying grounds that might be closed under this Bill, was to be inserted. He asked that question, because he was informed by a gentleman who was the proprietor of a private burying ground, that he intended to lease that land for building purposes, although used as a place of interment for a great number of years. He (Viscount Ebrington) understood that the Government had assented to the insertion of the Proviso. He would feel it his duty to press the Proviso, if not assented to by the Government.

LORD JOHN MANNERS said, he would appeal to the recollection of every Member of the Committee whether such assent had been given to the insertion of the hon. Baronet's Amendment. On the part of the Government, he (Lord J. Manners) told the Committee that the Government could not sanction its introduction into the Bill; and to that declaration he now adhered.

SIR WILLIAM CLAY said, he could corroborate the statement of the noble Lord (Lord J. Manners). Of course, if the noble Viscount (Viscount Ebrington) should persevere with his (Sir W. Clay's) Proviso, he should feel it his duty to support him; but he confessed he felt considerable difficulty with respect to it. He thought it would be a most extraordinary violation of public decency, if private burial grounds were to be let for building purposes.

VISCOUNT EBRINGTON said, he should move the Proviso, as an addition to Clause 2.

Amendment proposed—

"At the end of the Clause, to add the words, 'Provided that no Burial Ground in the Metropolis where Burials shall have been discontinued by such order as aforesaid, shall be allowed to have any dwelling-house, shop, or warehouse erected thereon.'"

LORD ROBERT GROSVENOR said, he should certainly regret if the closed burial grounds were to be let out for building purposes. In a sanitary point of view, it would be unfortunate if these spaces were blocked up with buildings.

LORD DUDLEY STUART said, he was of a similar opinion. It would be far better if the closed graveyards were planted with trees than with houses.

SIR BENJAMIN HALL said, he thought it would be better not to adopt the Proviso. The owners of these burial grounds were not at present prevented from building over them by any positive law, but they were prevented from committing such an act of desecration by a feeling among the public, which might be considered higher than the law. In his opinion they would do well to allow public feeling to continue to deal with the matter. The compensation in question could not be paid out of the public taxes, and he believed that great opposition would be offered to any attempt to take the money out of the poor-rates.

SIR WILLIAM CLAY said, that although he had himself suggested the adoption of the Proviso, he could not help thinking that there would be no use in pressing it to a division.

SIR WILLIAM MOLESWORTH said, he had proposed to compensate owners out of the Consolidated Fund, because he knew of no other fund out of which compensation could be taken. He did not think that parishes would agree to give compensation out of the poor-rates, and he trusted the Proviso would be withdrawn.

VISCOUNT EBRINGTON said, he thought the charge of the compensation might be spread over the whole of the metropolitan parishes.

MR. BAILLIE COCHRANE said, he felt bound to support the Proviso, and to guard against the possibility of so irreverent a proceeding as a desecration of those burial grounds.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 21; Noes 80: Majority 59.

Remaining Clauses *agreed to*.

House resumed; Bill *reported* as amended;—Read 3° and *passed*.

CORRUPT PRACTICES AT ELECTIONS BILL.

The Lords' Amendments on this Bill having been brought up,

LORD JOHN RUSSELL said: Mr. Speaker, I take this opportunity of stating the general course I mean to pursue with regard to these Amendments. The Bill, in my opinion, has not been at all amended or improved in its progress through the House of Lords. On the contrary, I think that the alterations which have been made in it tend, to a certain degree, to diminish the efficiency of the Bill. They will, in my opinion, throw obstacles in the way of inquiry into corrupt practices at elections. Now, with regard to the first of these Amendments, it is proposed by this Amendment that, instead of an address proceeding from this House alone for a Commission of Inquiry, it shall be necessary for a joint address of both Houses of Parliament to be presented to the Crown, as a preliminary to the issue of a Commission. It certainly appeared to me that, as the whole of the Bill was directed to the promotion of inquiry into corruption at elections, it would be sufficient for the House of Commons, after an inquiry by a Select Committee, to proceed by Address to ask the Crown to appoint Commissioners to inquire into an alleged case of corruption at an election. But, according to this Amendment, it will be necessary that the House of Lords should, in the first place, consider our evidence, and say whether there is a case for any further inquiry. Thus there are to be two inquiries before you reach the real and effectual inquiry. That is to say, you must go before two grand juries before you can proceed to try a case. It does appear to me that this will rather be an obstacle to, than a furtherance of, inquiry. I should have thought it likely that the House of Lords would have objected to have been brought at so early a stage to decide on the evidence taken by us, for I conclude that they will not propose that there should be an additional Committee appointed by themselves. My noble Friend the Marquess of Lansdowne had no opportunity of informing me as to the nature of the Amendment to be proposed. He informed me that he was taken by surprise, and that no intimation was given to him that any such Amendment would be proposed. He objected to it as much as I could do, as considerably diminishing the efficiency of the Bill. With regard to the other Amendments, I do not think they are of much importance as that which I have stated. It is true that the House of Lords by subsequent Amendments have decided that it shall not be in the power of a Commission to inquire into any allegations retrospectively, if there have not been proved to have been corrupt practices at the election with respect to which they are ordered to inquire. It will appear at first sight that if the last election, for instance, took place by compromise, in which there might be no opportunity for corrupt practices, then all the corrupt practices which prevailed for a series of years previously would pass without inquiry. But that is not the effect of the Bill as it has been sent down to us, because, although the Select Committee of the House of Commons would of course make inquiries with respect to the last election, unless otherwise directed, yet, if it was desired that the inquiry should be made with regard to corrupt practices at any election, the inquiry, of course, need not be directed to the last election. There may have been, for instance, most corrupt practices at the general election; almost every person in the borough may have been bribed; there may have been subsequent elections at which there has been no bribery or corrupt practice whatever; but that would not prevent this House, if they thought fit, to appoint a Committee of Inquiry into corrupt practices which had prevailed at the time of the general election. And, therefore, I do think that this Amendment would not be so injurious to inquiry as at first sight it would appear to be. There is another Amendment, namely, the omission of the word "treating," as one of the offences which are to be inquired into under this Bill. The Bill was intended to apply generally only to bribery and corrupt practices, and not to treating. It would be necessary, if there were such gross treating as to affect the character of a borough, to have a special Bill with respect to it. In some cases, the treating is of so small an amount, that it is obviously simply for the purpose of refreshing parties who may have come from distant districts to record their votes, whilst in other cases it is so gross as to be as corrupt as bribery. I do not think it unreasonable that the House should retain the power of proceeding, in such special cases, by Bill rather than by Address. I conceive, upon the whole, that the Bill, even as amended, will be a very considerable advantage in the way of prosecuting corrupt practices and brihery in boroughs. If we rejected these Amendments, with a view of having the Bill restored to its original state, the Bill might be lost for this Session; and therefore, while I lament that these changes have been made, which do not in any way improve the Bill, but, on the contrary, make it less efficient, I propose that we agree with the Lords' Amendments in every respect.

Sir ALEXANDER COCKBURN said, he would certainly bow to the decision of the noble Lord the Member for the City of London, and agree to the Amendments which the Lords had made in the Bill; but he must say that the Bill, while it would still be efficient to a certain extent for the purpose of putting down corrupt practices at elections, had yet been most materially mutilated by these alterations. Her Majesty's Government, while the Bill was in the House of Commons, gave, as the House understood, their cordial assent to the passing of the Bill. No such alterations were then proposed: if they had been, there would have been an opportunity of discussing without endangering the passing of the Bill. This Bill had been the means of furnishing another instance of what he might term the duality of organs of Her Majesty's Government; one thing was said by the Government in the Commons, whilst the very opposite was said by the Government in the Lords. In the Commons the Bill was allowed by the Government to pass without much comment; but when it reached the Lords, the Government were parties to a most important alteration in it. Hon. Members might not be aware of the full effect of the alteration made: it was this, that although a Committee of that House might report that corrupt practices existed in a particular borough, and that it was desirable that further inquiry, by means of a Commission, should be made in such borough, and the House would consequently be prepared to vote an Address to the Crown praying that such Commission should be issued, they would be prevented from going back to the last election, or to any election, however corrupt might have been the practices, if at any time there should have intervened a single pure election. Now, he would take as an instance the borough of Harwich. There had prevailed a very extensive and general opinion, that systematic and general corruption prevailed at the elections in that borough. He did not say that it was so; he merely alluded to the prevalent opinion upon that subject for the purpose of his argument. That House, in the course of the last Session, suspended the issuing of a new writ, on the occasion of a vacancy occurring in the representation of Harwich. And why? Because it was believed that the state of that borough was so corrupt, that it would not be consistent with propriety and with the dignity of that House to issue a writ for a new election until some further inquiry had been made into the state of the constituency. It so happened, however, that in the present Session of Parliament an opportunity occurred for the issue of the writ. It was moved that a writ be issued, and a writ was issued accordingly. His hon. and learned Friend the Solicitor General, who had long been seeking an opportunity to get into Parliament, went down to solicit the favour of the constituency of Harwich. His hon. and learned Friend was returned without opposition for an expiring Parliament, and, as one did not pay one's Swiss unless the Swiss did service, there was no doubt that no votes were paid for where no votes had been given. The hon. and learned Solicitor General, however, had not thought fit to maintain his connexion with Harwich longer than he could obtain another seat, and he had been returned by Suffolk as a Protectionist; whereupon another hon. and learned Gentleman, who had been for a long time seeking a constituency in Ireland, appeared in his place and was elected for Harwich. At the last two elections for Harwich there was no opposition, and consequently no corruption; but it was quite possible that at the ensuing election there might be a contest, and that corruption and bribery might then be as rife as ever; and if so, would anybody tell him that the inquiries of the Commission that would be appointed ought to be limited simply to the proceedings at that particular election. No instance had ever occurred of Parliament having disfranchised a constituency on account of the corruption prevailing at one single election. In order to the disfranchisement of a borough, it was necessary to prove that the corruption there prevailing was long established, systematic, and inveterate; but if this Bill were passed, it would be difficult, if not impossible, to prove such a charge against any borough, however profligate, for it would not be permitted to refer to the proceedings at any preceding elections. It was his decided conviction that the Amendments of the Lords had spoiled and mutilated the Bill to a very considerable extent, and it was greatly to be deplored that the Government should have incurred before the House and the country so serious a responsibility as was implied in the sanctioning of such Amendments.

Mr. WALPOLE said, he was rather surprised at the concluding observations of the hon. and learned Gentleman, as well as at the commencement of his speech. The hon. and learned Gentleman attacked the Government for making alterations in a Bill which did not originate with them. It was not dealt with as a Government Bill either in that or in the other House of Parliament. The Government supported the noble Lord the Member for London (Lord J. Russell) in carrying the Bill through that House, except in reference to one Amendment, which was substantially the same as that which had been since adopted by the House of Lords. The hon. and learned Gentleman said that the Government supported the Bill in one House of Parliament, and assisted in mutilating it in the other House. Was it the hon. and learned Gentleman's doctrine of the Constitution, that an independent Member of the other House of Parliament had not the power of proposing an Amendment which he thought just, and that the Government had not the power of agreeing to it if they thought it reasonable? Yet that was exactly what had taken place in the House of Lords. The Amendment as to the joint Address was proposed by a noble Lord who was not a Member of the Government, and it was only adopted by the Government, not originated by them. The constitutional doctrines laid down by the hon. and learned Gentleman were certainly new. He would go further, and say that even the constitutional doctrines propounded by the noble Lord (Lord J. Russell) were not quite what he should have expected from one whose authority was so high on questions of this kind; advocating, as the noble Lord always had done, the rights of the House of Commons. He would undertake to say that, with regard to these Amendments, they took away from the Government an enormous power of disfranchising boroughs which might be opposed to them. The majority in that House generally supported the Government; and if the Bill had remained as it stood originally, it would have been in the power of the Government to appoint Commissions independently of the House of Lords, in order to institute inquiries with respect to any particular borough against which they cherished a dislike. He was perfectly confident that if such a Bill had emanated from a Tory Government in former times, the Whig Opposition would have been the very first to have said that they would not arm the Minister with a power like this, which may be exercised to the detriment of the House of Commons. He had made these preliminary observations, which he was sure were just, in reference to the constitutional doctrines laid down by the noble Lord and by his late Attorney General. He would now ask the House to calmly examine with him, clearly and temperately, the Amendments made by the House of Lords. The first Amendment was to the effect that the Address to the Crown should be made by both Houses, instead of one only. The second Amendment struck out the word "treating" from the operation of the Bill; and the third provided that when a borough was found by the Report of a Committee to be corrupt, the Commissioners should not have a retrospective power of inquiry for ten or twenty years. With regard to the first Amendment, that there should be a joint Address from the two Houses of Parliament, if it were not the case that Parliament was going to arm the Commissioners with greater powers than were possessed by any Court of Justice, he should have said that an Address from one House would have been sufficient. But, considering the enormous powers that were to be entrusted to the Commissioners, he thought Parliament ought to proceed with great caution, and that the House of Lords, as well as the House of Commons, ought to have a voice in an Address to the Crown to issue such a Commission. It must be remembered that there were only two precedents in modern times of inquiry by Commissioners—the cases of Sudbury and St. Albans. The enormous powers invested by the Commissioners were never conferred upon the presentation of an Address from the House of Commons, nor was any attempt of the kind ever made. A Bill was passed for that purpose. The hon. and learned Member opposite said that the joint Address would impede inquiry; but it should be recollected that an Address was carried by a vote, and he did not think that much time would be lost in procuring a joint Address from both Houses whenever it was necessary. As to the omission of the words "treating" from the Bill, the noble Lord did not seem to object very strongly to it; and if his (Mr. Walpole's) recollection served him right, it was an interpolation in the original Bill. With regard to the retrospective operation of the inquiry to be made by the Commissioners, the Government contested this point very much before the Bill went up to the House of Lords; and he must say, that if the inquiry were permitted to go back to any period, no borough in the Kingdom would be safe from being attacked by a majority of the House of Commons merely because it was opposed to their way of thinking. It ought to be assumed at this moment, on the eve of a general election, that no corrupt practices had been carried on which would justify such an inquiry, and, if so, there was no necessity for any inquiry of the kind.

Mr. T. DUNCOMBE said, that he had understood from the usual sources of information that the Prime Minister had moved these Amendments in another place. Perhaps, as the House were under a false impression, the right hon. Gentleman would inform him who the independent Peer was who had moved them. [Mr. Walpole: The Amendments were proposed by Lord Redesdale.] But when the Prime Minister first acceded to office he had stated that he warmly approved of this Bill; and at that time it contained no such Amendment as that now introduced. He agreed with his hon. and learned Friend the late Attorney General, who had asked why this Amendment had not been introduced in that House, and fully discussed there. He (Mr. Duncombe) was afraid that it had been introduced for the purpose of defeating and delaying the Bill; and he certainly was astonished and surprised that the other House had not sought to evade being compelled to join the House of Commons in so disagreeable a duty as the adoption of an Address to the Crown, for inquiring into the corrupt practices of certain filthy boroughs. Their taste might be disputed, but their right could not be denied. The right hon. Gentleman (Mr. Walpole) assumed that from this moment all the corrupt boroughs in the Kingdom would be pure and honest. That was a strange assumption on the face of the evidence taken, but very few years back, with regard to Stafford and Harwich and other boroughs. Were those boroughs pure? The impression existed in some men's minds that there were democratic tendencies in that House, and they had therefore had recourse to this interposition of the House of Lords in order to curb those tendencies. But in the present instance the democratic tendency was to establish purity of election. The question for consideration now was, whether the noble Lord (Lord J. Russell) did right in accepting the Bill as it at present stood. He (Mr. Duncombe) wished that the noble Lord would try a compromise with the Lords, for they had been told that the great principle of the present Government was that of concession and compromise. Perhaps something might be conceded or compromised in a conference. But, seeing that they were on the eve of a general election, he thought the noble Lord was right in accepting the Bill, as it would make some of those filthy and corrupt boroughs look about them. He wished also to call the attention of the noble Lord and of the House to the strange anomaly that at present existed under the Controverted Elections Law. In the case of St. Albans, that borough had been disfranchised, but yet the hon. Member (Mr. J. Bell) was allowed to retain his seat. Unless some alteration in that law were made, Members, whose elections might be proved to have been carried by corruption and bribery before the Commissions which the present Bill proposed to establish, would not lose their seats, though the borough might be disfranchised; and after the next general election, there might perhaps be fifty or sixty Gentlemen sitting in that House for disfranchised boroughs. In the case of Sudbury, the electors and the elected were punished together; and he maintained that, for the purposes of justice, the law on controverted elections should be revised, and an end be put to the anomaly he had described. He should certainly advise the noble Lord to accept the Bill, though he was sure that it would not do half the good that was anticipated from it.

Colonel SIBTHORP said, that the hon. and learned Member for Southampton (Sir A. Cockburn) was wrong in supposing that the Bill had passed through the Commons without opposition, for it would be in the remembrance of the House that he (Colonel Sibthorp) gave it from first to last an uncompromising resistance, believing it, as he still believed it to be, a most unchristian measure, and one which involved a mean and dastardly attack on the constitutional rights and privileges of the people of this country. The Bill was founded on a low, mean, cowardly, unmanly principle, and it was his happiness to reflect that he had opposed it at every stage, notwithstanding that he had never in his life been guilty of corrupt practices. He attributed some blame to the Government for permitting such a Bill to pass, and he was sure that the day would yet arrive when they would acknowledge it to be what he now denounced it to be, namely, an unchristian and unconstitutional measure, disgraceful to the Legislature, and wholly unworthy the spirit of the age.

Mr. AGLIONBY said, he would have been glad if the House would agree with the suggestion that had been thrown out by the hon. Member for Finsbury (Mr. T. Duncombe); but as that was not likely to be attended with any satisfactory result, he would leave the noble Lord (Lord John Russell) to carry out the measure according to his own views. He did not think they ought entirely to reject a Bill containing so many improvements on account of the Amendments that had been made in the other House. It appeared to him that "treating" was worse than bribery—that was the very worst of the Amendments introduced by the Lords. Many hon. Members in that House would hesitate to give money to a voter, who would not hesitate to throw open public-houses and give them as much as they could drink. Many electors also who would shrink from taking a sovereign, would partake of this eating and drinking. On these grounds he regretted that the question of treating had been treated with so much levity; he would content himself with entering his protest against the Amendment.

Lord JOHN RUSSELL said, that what he had stated on a former occasion was, that "treating" might include offences of very dissimilar magnitude, and that it was quite possible that there might be cases of "treating" quite as bad as any form of bribery and corruption, and that it might be expedient to introduce a measure for the express purpose of discouraging such aggravated cases.

Mr. HUME said, he regretted to find the House so lukewarm upon this subject. He was sorry also the noble Lord did not decide upon rejecting the Amendment. The bulk of the Members of that House were merely the nominees of the House of Lords; but, as the representatives of the people, they were bound, he thought, to originate all improvements in the constitution of that House with themselves. It would, in his opinion, be better if the noble Lord had rejected the Bill altogether; for he, for one, had anticipated a greater degree of improvement and amelioration at the hands of the noble Lord. He complained of hon. Members in that House denouncing democratic principles. It was only by their diffusion that the progress of the people of this country could be secured.

Mr. HUDSON said, he had objected to the Bill originally, and was glad to find it had been rendered so much more constitutional by the Amendments introduced by the Lords. They heard much of the privileges of that House; but they ought to bear in mind that the people also had rights and privileges, and that they ought not to be lightly violated. Either the House of Lords must be an active efficient branch of the Legislature, or it must be done away with altogether. He hoped they were not yet arrived at that point. The moment the Government opposed the views of the Radical party in that House, they were denounced as favouring the oligarchical body, and attempting to put down the opinions of the people. He (Mr. Hudson) had been sent there as a representative of the people, and he denied that he was influenced by any such motives. He believed the Bill was a mischievous one, and he should be glad to see it rejected altogether; but he was satisfied to receive it with the great improvements made in it by the House of Lords.

Mr. JACOB BELL said, he thought too much importance had been attributed to the Amendments made in the House of Lords. The only cases in which the Bill would come into operation would be the cases of inexperienced parties, who knew nothing about electioneering trickery, and not being initiated, placed themselves in the hands of agents, and had the misfortune to fall into bad hands. In a case like that, a man who had no friends in that House, was just the man to single out as a victim to show up the virtue of the House. There was nothing in the Bill which would have a tendency to prevent or check bribery and corruption. The Bill was simply devised for the purpose of exposure. Whilst this Bill was under consideration, the old kind of negotiations were still going on. A great number of boroughs had been offered to him, at prices varying from 500*l.* up to 3,000*l.* He had never listened for a moment to such propositions; but he knew these things were going on, and that other parties were receiving similar applications. He mentioned the fact for the purpose of showing that Bills of this kind were not calculated to prevent the evils at which they were aimed. Bribery was an aristocratic, and gentlemanly, and respectable offence. The more skill a man brought into play in concealing that bribery, the higher he stood as a politician. So long as the House sanctioned such proceedings, it was quite useless to attempt to put a stop to bribery. The proper way was to disgrace the person giving the bribe; and if every elector taking a bribe were liable to be disfranchised, and subjected to a small penalty, such a regulation would produce a greater effect than a Bill of this sort, which, as he had said, would only be brought into operation in the case of unknown individuals, and where a Solicitor General might be interested in holding up a borough as a model of purity.

Mr. STANFORD said, he was of opinion that the Bill, even as originally worded, was weak and inefficient; but it had been so seriously disimproved by the Amendments of the Lords, that he now regarded it as nothing better than so much waste paper; and he was confident that it was regarded in that light by all other Members.

Mr. OSWALD said, he could not help deeply regretting the course which the noble Lord the Member for the City of London had pursued in reference to this Bill. As a Member of the House of Commons, he could never consent to extend to the House of Lords the right of interference which was claimed by the first Amendment, because he thought that by so doing he should be surrendering a privilege which ought to be defended with the most jealous care. The Amendment introduced in the 6th Clause did away with all the advantage of the Bill, by providing that Parliament should be precluded from inquiring into corrupt practices at any election, if an election free from bribery had intervened. The nature of the Amendments might be judged of from the fact that they had been supported in that House only by two hon. Members, who had had the courage on a former occasion to vote against the second reading of the Bill. The truth was, that Parliament had not been in earnest upon this subject. But they might depend upon it, that at length they would be compelled, by the force of public opinion, to pass some measure which would make it as disgraceful for a rich man to bribe as it was for a poor man to be bribed; and that could only be done by excluding from that House any Member who was guilty of bribery. Feeling that the present measure would be totally inoperative in many cases, he should move, as an Amendment, that that House should not agree to the Amendments which had been added to the Bill.

Mr. SPEAKER said, that the Motion before the House being that the Amendments be agreed to, it was only competent for the hon. Member to record his vote for or against that Motion.

Sir De LACY EVANS said, he could not concur in the censure which had been cast on the noble Lord the Member for the City of London for his conduct in respect to the Amendments, though, for his own part, he must say that he thought they so defaced the Bill that it was difficult to recognise it. He sincerely believed the present measure to be a step in favour of corruption rather than against it.

Mr. BRIGHT said, he thought that the observations which had been made during the dicussion that evening must show clearly that it was the opinion of one side of the House at least, that this Bill was very unsatisfactory in its present shape; and that the noble Lord the Member for the City of London had taken a course which, if not very inconsistent, was at all events exceedingly feeble in regard to his own measure. The noble Lord's first proposition had been that, instead of requiring an Act of Parliament for the purpose of instituting an inquiry into the corruption existing in any borough, it should be sufficient for any Member of that House to move for such an inquiry. But the noble Lord, having left office, assented very complacently to an important alteration proposed by the right hon. Secretary of State for the Home Department; and now that the Bill had come down from that place where no good Bill had any chance of being considered unless there was a strong pressure from without, the noble Lord agreed to the Amendments which had been there introduced. The House of Lords had inserted a proviso that a Commission of Inquiry should only be applied for by both Houses of Parliament. If a Commission had the power of disfranchising a borough, he (Mr. Bright) could understand the propriety of such an Amendment; but as it was, he thought that the right of applying for a Commission might as safely be entrusted to one House as to both, because in either case the House of Lords would have the power of placing a veto on the disfranchisement of any borough, if they should think the evidence of corruption insufficient. He, therefore, maintained that the interjection of an Address from the Lords as well as from the Commons, before a Commission could issue for an inquiry into the state of any borough, was simply an obstacle purposely placed in the way of fair and honest inquiry, having its origin in the resolution on the part of both Houses to prevent a genuine scrutiny, that must end in laying bare a system of representation which had no parallel in any country on the face of the earth where a representative system existed at all. It was the bounden duty of Parliament honestly to face this question, and no longer to deceive the country with legislative shams, which were of all others the worst.

Sir JAMES GRAHAM said, he would not have taken any part in this discussion, if the hon. Member for Ayrshire (Mr. Oswald) had not announced his intention of dividing the House; and in reply to an observation which had fallen from the hon. Member, he (Sir J. Graham) felt bound to say that he thought, though others might have said more, no one had done more in checking corrupt practices at elections or had been more successful in preventing those evils by legislative means, than his noble Friend the Member for the City of London (Lord John Russell). There was this peculiarity about the present Bill that it had been introduced when his noble Friend was in power; but his exertions in checking corrupt practices had not been limited to the period when he sat on the benches opposite, for he had always exhibited a steady perseverance in his purpose, on whatever side of the House he might be sitting, to which his conduct with reference to the present Bill formed no exception. It had been introduced when his noble Friend was a Minister of the Crown, and it was the only measure which, having been brought forward when he was in the Government, he had from a sense of the public interest proceeded with when in opposition, and had finally succeeded in carrying through that House. He (Sir J. Graham) quite agreed with the hon. Member for Manchester (Mr. Bright) that the Amendments which had been introduced by the right hon. Home Secretary had materially damaged the measure; but his noble Friend the Member for London had not easily assented to those Amendments; on the contrary, he had protested against them, and it was submission to necessity, and not a cheerful acquiescence, that had marked his proceedings in reference to them. The practical question for them now to decide was this: were the alterations of the right hon. Secretary of State for the Home Department, and much more the alterations which had been introduced by the other House of Parliament, of a character that would destroy the usefulness of the measure? He (Sir J. Graham) admitted that they impaired its usefulness exceedingly; but the question they had to decide was whether the Bill was worthless, and should they by refusing the Amendments render it impossible to legislate at all on the subject during the present Session? He was most decidedly of opinion that they would act unwisely in rejecting the Bill, notwithstanding the damage it had received; for by passing it they would at least show that they were anxious to take active measures in the next Parliament for visiting with condign punishment every corrupt practice that should be brought under their notice. He quite believed that the House of Lords, when it deliberately weighed public opinion, and saw that it pronounced in favour of a given course of policy, was not disposed to give an uncompromising opposition to measures to the adoption of which their own preconceived opinions might not be favourable. He did not believe that, practically, an Address passed in that House, touching the representation of the people, and founded on evidence taken before a Committee of Inquiry, would fail to obtain the concurrence of the House of Lords. He was, therefore, of opinion that this Bill would still be of value, and would be operative, and, entertaining that opinion, he should certainly vote in favour of the Lords' Amendments; at the same time, he hoped that a division would not be insisted upon by the hon. Gentleman.

Mr. BROTHERTON said, he concurred in the observation made by the right hon. Baronet. Almost every Member who had spoken had risen to cast a stone at the noble Lord (Lord J. Russell); but he did not believe that any one, not even his hon. Friend the Member for Manchester (Mr. Bright), would have the courage to vote against the Bill. He himself objected most strongly to the Amendments introduced by the House of Lords; but he, nevertheless, believed there was yet great benefit in the measure. He had been too long a Member of that House not to know that it was better to accept measures by instalments from the House of Lords. If they went for everything at once, they would not have the remotest chance of attaining what they desired. He thought that several hon. Members of the House had dealt somewhat unfairly with the noble Lord, more especially as none would have the courage, he believed, of voting against the Bill as at present constituted.

Mr. OSWALD said, he would not, after the observations that had been made, divide on his Amendment.

Lords Amendments' *agreed to.*

SESSIONAL AND STANDING ORDERS REVISION COMMITTEE.

On Motion for considering the Report,

Mr. WILSON PATTEN said, that the Committee were of opinion that the Standing Order passed in the year 1713, which rendered it necessary for any hon. Member bringing forward a Motion on the subject of religion to move it in a Committee of the whole House, should be dispensed with as no longer necessary, and as sometimes leading to considerable inconvenience. The Committee also proposed some other minor alterations in the Standing Orders. With regard to the private business, he begged to observe that the House and the public were under great obligations to many hon. Members, whose names were not very frequently mentioned, for their sedulous and valuable attendance on Committees. As an instance, he might mention that the Committee for investigating the subject of the Water Supply of the Metropolis had sat for no less than forty-nine days.

Mr. HUME thought that nothing was more important to the regular proceedings of the House than the simplification of these Orders. He considered that the hon. Member (Mr. W. Patten) was entitled to the thanks of the House for the great attention he had devoted to the subject.

Mr. WALPOLE said, he cordially agreed in the praise bestowed on the hon. Member. He, however, was of opinion the Standing Order with respect to a Committee of the House on religious questions should not be altered at present, but should be carefully considered at some future period.

Mr. AGLIONBY said, he wished to bear testimony to the zeal of the hon. Member, their Chairman, and to the good attendance of the other Members.

Report *brought up.*

PARLIAMENTARY PAPERS—MECHANICS' INSTITUTIONS.

The MASTER of the ROLLS, in the absence of his right hon. Colleague (Mr. Tufnell), who had given notice of a Motion for—

"A Select Committee to inquire into the expediency of distributing gratis, under certain regulations, a selection from the Reports and Returns printed by Order of the House of Commons, amongst the Literary and Scientific Institutions and Mechanics' Institutes throughout the United Kingdom,"—

said, that it would be idle in the present state of the Session to press the Motion. He desired, therefore, simply to call the attention of the Government to the subject. He believed that the right hon. Chancellor of the Exchequer was not unfavourably disposed to some distribution of political information of this character among the various institutions of the country. The Parliamentary papers contained very valuable information. When first printed in 1651 they were sent to the sheriffs of counties for the information of the people, but that practice was stopped by Mr. Secretary Jenkyns in the reign of Charles II. More than seventy of the Mechanics' Institutions at present in existence numbered more than 300 members. To all of them the information contained in the Parliamentary Reports and Papers was not accessible. It would be advantageous if the Printing Committee were to receive powers to make such a selection of Parliamentary Papers as was desirable for the purposes of distribution. Perhaps the right hon. Gentleman (the Chancellor of the Exchequer) would give the subject his attention during the recess.

Mr. BROTHERTON said, he cordially supported the request of the right hon. and learned Master of the Rolls, and concurred in thinking that the distribution ought to be confided to the Printing Committee.

Mr. HUME said, he had been instrumental in carrying a Resolution for the sale of Parliamentary Papers at 1*d.* per sheet, though perhaps the public were not generally aware that they could procure them at so low a rate. Now, he was willing to give information cheaply, but not to throw it away; for things given away were too often regarded as of no value. He wished, then, to have a Committee appointed on this question, and that the House ought not to settle it too hastily. It was not generally known that persons might get any paper they wished at the rate he mentioned, and send it by post at a very trifling expense.

The CHANCELLOR of the EXCHEQUER said, he thought the suggestion made by the right hon. and learned Master of the Rolls was one well deserving the attention of the House, but to carry it into effect required much more consideration than had yet been given to the subject. He did not think, with regard to the distribution of the Parliamentary Papers, that it was sufficiently well known how easily the publications of that House could be obtained, and it might be advisable at once to circulate that information, giving some idea what was the nature and cost of those publications. Every Member of that House would know that they formed a very important branch of national statistics. The variety and extent of the subjects embraced in the pages of those publications could not be exaggerated, and he was convinced if they were more known they would redound both to the honour of the House and to the advantage of the people.

Motion, by leave, *withdrawn.*

TRANSPORTATION TO VAN DIEMEN'S LAND.

Mr. HUME said, he had that day received from Tasmania a Copy of Resolutions passed by the Legislature of Van Diemen's Land, which he thought of very great importance, looking to the contentment and satisfaction of the colony. The Resolutions stated that the colonists had from 1844 to 1851 been constantly petitioning the Government to discontinue the transportation of convicts, and that the population comprised 70,000 persons, and 20,000 of them were convicts, the expense of maintaining whom was taken from funds that ought to be devoted to improvements in the Colony. The colonists wished to be entrusted with the management of their own affairs, and asked that no more convicts should be sent out, and that the expense of the convict establishment should be borne by the mother country. He wished, therefore, to know if the Government had received any intimation of the Resolutions to which he had referred, and to express his hope that they would take steps to remove the causes of complaint which they stated?

The CHANCELLOR of the EXCHEQUER, in the absence of his right hon. Friend the Colonial Secretary, said, he believed that the Resolutions in question had been received by the Government, and that he had no doubt they would meet with the attention they deserved.

OCEAN PENNY POSTAGE.

Mr. BRIGHT said, that in the absence of his right hon. Colleague (Mr. M. Gibson) he wished to ask the right hon. Gentleman the Chancellor of the Exchequer a question relative to the subject of a reduction in the rate of postage between this and foreign countries. The project to which he alluded was generally known by the name of the Ocean Penny Postage, but which was not to interfere with the charge for internal postage which any other countries might choose to adopt. The emigration now going on from this and other countries rendered this subject more important than it had been before; and with regard to Ireland, he thought that more than one-third of all the letters that crossed the Atlantic between Great Britain and America were connected with Ireland —a very remarkable circumstance; and when a large proportion of our population was settling in other countries, it was desirable that the greatest possible communication should be allowed, looking to the effect of such friendly intercourse in strengthening the guarantees for international peace. His right hon. Colleague, therefore, wished him to give notice in his behalf, that if he should be, as there was some hope that he would be, in that House in another Session, he should bring this question before the House, either by direct Motion, or by moving for a Committee of Inquiry. And he would only ask the right hon. Gentleman opposite, if he had any time during the recess to bestow on such a subject, whether he would be good enough to turn his attention to it, as many petitions had been presented in favour of the project, which he believed was one that concerned the comfort and social intercourse of a large class of our fellow-countrymen. And if the Ocean Penny Postage system were adopted, he believed that the immediate loss to the revenue would be as speedily made up by the increase of correspondence as it had been in the case of the establishment of the present internal penny postage system.

The CHANCELLOR OF THE EXCHEQUER said, that the recess, he feared, would be very much occupied; but the Government would endeavour to consider the Ocean Penny Postage project, as well as the discontent of Tasmania relative to transportation.

LORD LYNDHURST'S ATTACK ON THE MASTER OF THE ROLLS.

The MASTER OF THE ROLLS said, that he wished to refer to some observations which had been made last night by a noble and learned Lord in another place, and which appeared to bear personally upon himself. He was sure that nothing could have been further from the intention of that noble and learned Lord than to make a personal imputation, or to state anything which he did not think could be fully and completely borne out by the facts of the case. He was sorry that the noble and learned Lord should have made statements which were so completely, although, of course, unintentionally, erroneous. The noble and learned Lord's statement was made in relation to the Suitors in Chancery Relief Bill. The noble and learned Lord was reported, amongst other things, to have said that this Bill restricted the issue of injunctions to the Master of the Rolls. He (the Master of the Rolls) presumed that this remark must be a misreport, because it had no reference to anything in the Bill. The noble and learned Lord was then reported to have said, "Who received the fees? The Secretary of the Master of the Rolls!" Now the fact was that by this Bill it was provided that no fees were to be received in future by the Secretary or any other officer of the Master of the Rolls. The noble and learned Lord was then stated to have said—"At whose suggestion was it passed through the other House? At that of the Master of the Rolls!" He begged the attention of the House to the fact that he (the Master of the Rolls) was no party to the introduction of the Bill. He was not a party to the framing it, and he did not introduce it. It was introduced by the late Government, and passed through the House by the right hon. Gentleman the Secretary for the Home Department. The noble and learned Lord was then reported to have said that he wished to call the attention of their Lordships to the unsparing manner in which it dealt with the officers of the Lord Chancellor, reducing them to such a degree that they would hardly be able to carry on their business. "But what did it do with the officers of the Master of the Rolls? It did not touch them at all! No mention was made of them except to make their offices of more advantage. It provided that the Lord Chancellor's Secretary should have an additional clerk; but it stipulated that the salary should not exceed the insufficient sum of 200*l.* a year. At the same time, it provided that the Secretary of the Master of the Rolls should have two additional clerks at salaries not exceeding 300*l.* a year." But what really were the facts of the case? There were officers of the Master of the Rolls and of the Lord Chancellor, who were all paid by fees at the present moment. The practice hitherto had been, that the late Chancellor had restricted the receipts of these officers to certain fixed salaries, and this had also been done by the previous Master of the Rolls. The officers under him had received exactly that amount which the previous Lord Chancellor, and the previous Master of the Rolls, had restricted them to, and he (the Master of the Rolls) had made no alteration. This Bill, however, took away all the fees from those officers. If the second clause stood alone, it would have taken away their salaries, and left them without anything; but the Bill also provided that they should be at liberty to apply to the Lords of the Treasury for such compensation as they might be entitled to, and that the future officers of the Masters of the Rolls should receive such salaries as the Lords of the Treasury should think fit to direct. It was obvious that the Bill did not give these officers any greater advantage than they before possessed. Where the Lord Chancellor had fived the salaries of his officers, the House had thought it would be respectful to that functionary to leave those salaries at the amount he had fixed; but with respect to the Master of the Rolls, it had very properly thought that the salaries of his officers should be fixed by the Lords of the Treasury. As to the statement that the Bill provided that the Lord Chancellor's

Secretary should have an additional clerk with the "insufficient" salary of 200*l.* a year, while the Secretary of the Master of the Rolls was to be allowed two additional clerks at salaries of 300*l.* a year, the House would be surprised to hear read the passage from the Clause of the Bill relating to this point. The Clause provided—

> "It shall be lawful for the Master of the Rolls to appoint a clerk or clerks to be employed in the office of the Secretary at the Rolls, which clerk or clerks shall receive by way of salary such annual sum or sums as the Master of the Rolls shall from time to time fix and determine; provided always, that such annual sum or sums shall not in any one year exceed the sum of 300*l.*"

That was to say, 300*l.* a year for all the clerks. If there were three clerks, they would only have 300*l.* a year between them. It was, therefore, inaccurate to say that there might be three clerks with 300*l.* a year each. The reason for passing the clause was this:—Many thousands of orders were every year drawn up in, and issued from, the office of the Master of the Rolls. The office expenses for the drawing up of those orders were now paid out of the fees received for the orders, and the payment of those expenses had not been provided for before this clause was introduced. The Secretary of the Lord Chancellor had, in fact, nothing to do but to write the Fiats for Commissions. No orders were drawn up in his office. The noble and learned Lord was reported to have stated, that "the Committee upon whose report this Bill was framed had the Master of the Rolls amongst its members." That was true. "It was brought in," the noble and learned Lord continued, "by the Master of the Rolls." That was a mistake. It was not brought in by him (the Master of the Rolls), nor had he been consulted about it by the late or the present Government, and in no part of it had he made an alteration. The noble and learned Lord added, "it passed through the House of Commons under his superintendence." He begged the House to recollect, as he had previously stated, that it passed through the House under the superintendence of the right hon. Secretary for the Home Department. He regretted very much that the noble and learned Lord should not have taken sufficient pains, if this were a correct report of his speech, to correctly ascertain the nature of the Bill; but all the statements contained in his address, as far as he (the Master of the Rolls) was concerned, were incorrect, as he had taken no part in the preparation, or the passing, of the Bill. It would have been more convenient to him, and to his officers, if their salaries had been fixed; but he still approved of the Treasury having control over these matters. He begged pardon of the House for having detained them; but he thought he could not with propriety allow these observations of the noble and learned Lord to pass without some remark from him.

The CHANCELLOR OF THE EXCHEQUER said, he much regretted that it was not in his power to enter into the details to which the right hon. and learned Master of the Rolls had referred, and that there was no lawyer at present on the Treasury bench. The right hon. Secretary of State of the Home Department was away on urgent business, but he (the Chancellor of the Exchequer) could not allow what had been said to pass without some remark. In answer to the allegations of error made against the noble and learned Lord by the right hon. and learned Gentleman, all that he could say was, that he was perfectly ignorant of the circumstances, although he need not have been, had the Master of the Rolls given notice of his intention to allude to the subject. [The MASTER of the ROLLS: My attention was only called to the report an hour ago.] This, however, he (the Chancellor of the Exchequer) would say for his noble and learned Friend, that he was in his opinion, as distinguished for accuracy as for sagacity and learning, and he would therefore take the charitable view that the observations of his noble and learned Friend had not been diffused with that accuracy with which they might have been. He could not without some notice allow the name of his noble and learned Friend to be mentioned in a tone of reproof in that House, of which he was once so great an ornament; and he could not forget that this year, oppressed as the noble and learned Lord had been with physical infirmities, the brightness and energy of his mind still remained, and had been exercised with great advantage to the public, and (as he must acknowledge) with great assistance to the Government, in passing the measures of Law Reform which they had introduced.

[At a later period of the evening]

SIR JAMES GRAHAM said, he wished to say in allusion to the remarks made by the right hon. and learned Master of the Rolls, that he thought it very inexpedient to refer to discussions in the other House of Parliament. It was contrary to the strict rule of the House, and the observance of the rule was found greatly to conduce to the order of their discussions. But the present case was somewhat different in its circumstances. It was no wonder, however, if the right hon. and learned Master of the Rolls, considering his high judicial situation, felt himself hurt by any imputation upon his public conduct, especially when it fell from so distinguished a person. The right hon. Gentleman the Chancellor of the Exchequer had spoken of the merits and character of Lord Lyndhurst. He also must claim to speak of Lord Lyndhurst as his friend, and as a colleague with whom he was proud to have served. But, among his characteristics, there was one that peculiarly distinguished his noble and learned Friend, and that was his love of justice; and he was satisfied that, after the explanation that had been given by the Master of the Rolls of his conduct, much of which he knew and could bear testimony to as a witness, his noble and learned Friend would be convinced that the allegations which he had brought forward arose from misapprehension and misinformation, and that when he had read the explanation now given he would be the very first person to retract any imputation upon the Master of the Rolls. He saw in his place the right hon. President of the Board of Trade, who served on the Commission on the Court of Chancery with him, and also upon the Committee from which the Suitors Fund Bill emanated, and he had no doubt the right hon. Gentleman would agree with him that there was nothing in the course of that inquiry, or in the progress of the Bill, which in the slightest degree sanctioned any accusation against the Master of the Rolls; that while he had borne heavily upon the fees in the Lord Chancellor's Court, he had desired to uphold unduly the salaries and emoluments connected with his own department of justice. Such a charge was most injurious to his right hon. and learned Friend, and he could quite understand his anxiety to clear himself from it. He was quite certain, however, that his explanation would give satisfaction to the public, while it would remove all occasion for misapprehension on the part of his noble and learned Friend Lord Lyndhurst.

Mr. HENLEY said, that, appealed to as he had been, he could not do other than say a few words. It was his privilege and honour to have served upon the Chancery Commission, and he did not recollect any question arising which gave the least reason for the supposition that the Commission looked at all as to where these alterations were to fall. Such a view did not present itself to the minds of the Commission at all; what they alone considered was, whether the officers were fitly paid, nor was there the least difference of opinion either in the Committee or among the Commission.

Subject dropped.

THE TREASURY MINUTE REGARDING CHICORY.

Lord DUDLEY STUART said, the right hon. Chancellor of the Exchequer had that day stated, in answer to a question from the hon. and learned Member for the City of Oxford (Sir W. P. Wood) that the Treasury Minute of 1840 had not been rescinded, but that if it were rescinded it would be so done as not to interfere with the fair traders of the country. Now these words, however, plausible, and smooth, and soothing they might appear, he was afraid would carry dismay to the hearts of hundreds, he might say thousands, of honest traders in this country. He would not attempt to discuss the question now, but he could only say that the trade looked upon any alteration with the greatest possible alarm. He had before him a memorial from the trade to the Chancellor of the Exchequer on the subject. [The noble Lord then read extracts from the Memorial, deprecating any alteration.] Under these circumstances he appealed to the Government, whether, considering that this question received a very full investigation and underwent repeated discussions in that House, which divided upon it twice, and in both cases rejected the Motion of the hon. Member for Huntingdon (Mr. T. Baring) for the rescinding of the Minute—he asked if it was right to make such an alteration as this, without giving an opportunity to those concerned in the trade of stating their case fairly, and having it discussed in that House; and whether it would not evince a greater regard for the interests of all concerned if the question was put off till the beginning of the next Session?

The CHANCELLOR of the EXCHEQUER said, he could not agree to the principle that a Treasury Minute depended on the Votes of that House. If that were the case, the whole business of Parliament might be stopped. A Treasury Minute was made under the sanction of an Act of

Parliament; and if they were never to make a Minute without the sanction of the House of Commons, that would put a stop to the whole administration of the country. With regard to this particular point to which the noble Lord had alluded, the Treasury Minute had not been rescinded, and if it were it would not leave the law in the same state as it was before the Minute was passed. It would be necessary, of course, that the Minute should be formally rescinded; but at the same time when it was rescinded, the Treasury would give such instructions to the Office of Inland Revenue as would leave the trade in a very different position from what they were in before the Treasury Minute in question was issued. Before the issuing of that Minute a dealer was not permitted to have Chicory upon his premises at all; but if the alterations now under consideration were resolved upon, the trade would be entitled to have any amount of Chicory whatever upon their premises, and to sell it under certain regulations. The change would not be made until the dealers had had time to sell off their stock of adulteed coffee; and when the Treasury Minute was altered, he believed it would be altered in a manner that would not disturb or injure the fair trader.

MR. HUME said, he believed there were many parties who liked Chicory mixed with their coffee; but the right hon. Chancellor of the Exchequer was perfectly correct in saying that a Treasury Minute depended upon the discretion of the Lords of the Treasury, provided they kept within the existing law; and it was in their power to make or rescind any such Minute. But there was a Treasury Minute existing for eleven years, founded upon this principle —that whereas previously to the issuing of that Minute it was impossible for an honest dealer, when the prohibition of mixing Chicory and Coffee was enforced—it was impossible for the honest dealer to carry on his trade honestly and fairly. They were met at every step by those who mixed Chicory with their Coffee; and the Treasury, from 1832 to 1840, was overwhelmed with applications and representations from the most respectable classes of grocers in the country on the subject. [The hon. Gentleman read part of a memorial to the Government from certain dealers in Liverpool respecting an Excise prosecution for breach of the Treasury Minute.] He considered that the Government should sanction no interference with traders upon the part of officers of Excise in such cases as that he had just mentioned, for the answer to the memorial stated that the Lords of the Treasury did not think it was a fraud upon the revenue so long as the Chicory paid proper duty. That was a point which he thought the Government ought to look to. He must complain of the Government availing themselves of almost the last day of the Session to make this new arrangement, for he looked upon it as legislating without giving any notice; and all he asked was, that they would leave the question till Parliament met again to discuss and decide upon the matter. It was no light matter to men who had made their establishments on the calculation of a Treasury Minute which had been in force for eleven years; and he thought it would be almost an act of spoliation upon those parties to change that arrangement without giving due notice.

Subject dropped.

ECCLESIASTICAL PRECEDENCE IN NEW SOUTH WALES.

SIR R. H. INGLIS asked, pursuant to notice, the Secretary of State for the Colonial Department whether any reply had been or would be sent to the despatch of the Governor of New South Wales, forwarding the Lord Bishop of Sydney's remonstrance, dated 22nd of May, 1850, against the rank and precedence which, as it appeared from the despatch of Earl Grey of the 9th of January, 1849, explanatory of his circular despatch of the 20th of November, 1847, the Queen's representatives were still constructively enjoined to concede to any titular archbishop or bishop appointed by the Pope of Rome in any British Colony, before the Lords Bishops lawfully nominated by Her Majesty to suffragan sees duly constituted by the Crown therein.

SIR. J. PAKINGTON: Mr. Speaker, I was not aware till I entered the House to-day of the exact shape in which my hon. Friend proposed to put this question to me. But, now that I have heard him explain the nature of the general notice which he put upon the paper, I will, if the House will permit me, with the view of showing them in what position this question at this moment stands, shortly advert to the despatches to which my hon. Friend refers. The first despatch is a circular despatch issued by Lord Grey on the 20th of November, 1847, in which these words occur:—

"As Parliament has, by a recent Act (namely, the Charitable Bequests Act), formally recognised the Irish Roman Catholic Prelates by giving them precedence immediately after the Prelates of the Established Church in the same degree, that is to say, as Roman Catholic archbishop and bishops will, by that Act, take rank immediately after Protestant archbishop and bishops respectively, it appears to Her Majesty's Government fitting that the intentions of that Act, so far as the recognition of Roman Catholic dignitaries is concerned, should be extended to the Colonies, and I have accordingly to instruct you officially to recognise Roman Catholic archbishops and bishops in the Colonies, by addressing them respectively as 'your Grace' and 'your Lordship,' as the case may be."

It would be observed that—accidentally, no doubt—there was some inconsistency in the language of this circular, and that the premises stated did not lead to the conclusion drawn; and from this peculiarity of the wording some doubt had arisen in the Colonies as to the exact position in which the Roman Catholic Prelates were to be regarded; and accordingly the Bishop of Sydney wrote to the Governor of New South Wales desiring to be informed whether he considered it to be the intention of Her Majesty's Government that the Most Rev. Archbishop Polding should have precedence over the Bishops of the Church of England in that Colony. In consequence of that inquiry having been forwarded by the Governor of New South Wales to Lord Grey, that noble Lord on the 9th of January, 1849, sent another despatch to the Governor, the substance of which was this—that he regarded the Bishop of Sydney in the light of a Metropolitan; and, as metropolitan, he would be entitled to precedence over the Roman Catholic Archbishop. In consequence of this despatch, the remonstrance to which my hon. Friend has alluded, dated the 22nd of May, 1850, was forwarded to the Governor by the Bishop of Sydney. In that remonstrance, the Bishop of Sydney made some exception to the term in which he himself was referred to; but, especially, he made it a matter of complaint that, although he individually, as Metropolitan, was to take precedence above the Roman Catholic bishops, yet that precedence would not apply to the suffragan bishops of Australia. The despatch from the Governor of New South Wales, containing that remonstrance, was received at the Colonial Office on the 4th of January, 1851. From the 4th of January, 1851, to the time of the recent change of Government in February last, no answer had been given to this remonstrance by my predecessor in the Colonial Department. When I came into office last March, I found this despatch containing the remonstrance still unanswered. This brings me to the question put to me by my hon. Friend, in reference to which I can merely say that the pressure of business has been so very great and so continuous since I first came into the office which I now fill, that, up to this time, no answer has been sent to that despatch; but it is my intention very shortly to answer the despatch of the Governor of New South Wales, containing the remonstrance of the Bishop of Sydney, and in that despatch to communicate the views which Her Majesty's Government entertain upon this subject.

SIR R. H. INGLIS: I wish to add a very few words in the shape of another question. I trust that my right hon. Friend will be able to state to me and to this House that he does not intend to recognise in such answer such a construction as had been given to Earl Grey's circular. ["Order!"] I am very sorry to trouble the House, but I have put this question more than once, and I hope that my right hon. Friend will tell me that, in the despatch which he intends to send to the Governor of New South Wales, he will not recognise the instructions given by Lord Grey.

SIR J. PAKINGTON: I think, Sir, that after the answer I have already given, my hon. Friend can hardly expect me to give any further answer.

SIR R. H. INGLIS: I shall certainly bring the subject before the House again if I have a seat in the next Parliament.

The House adjourned at Seven o'clock till *Tuesday* next.

HOUSE OF LORDS,

Saturday, June 26, 1852.

MINUTES.] PUBLIC BILLS. — 2ª Metropolitan Burials; General Board of Health (No. 2); Pimlico Improvement.

Reported. — Excise Summary Proceedings; Woods, Forests, and Land Revenues; Valuation (Ireland); Metropolitan Sewers; Friendly Societies; Crime and Outrage (Ireland); Incumbered Estates (Ireland); Distressed Unions (Ireland); Public Health Act (1848) Amendment.

PAUPER CHILDREN EMIGRATION BILL.

The EARL of SHAFTESBURY *presented* to their Lordships a Bill, not for the purpose of having it now discussed, but for the purpose of having it printed now and circulated during the recess throughout the country and the Colonies.

The object of the Bill was to enable parishes and boards of guardians to raise funds to meet contributions from Australia for the purpose of juvenile emigration. There were many advantages in this course both to the mother country and to the Colonies. It appeared by a return of a year ago that there were 52,000 children in the union houses of England and Wales; and it appeared equally by statements from Australia, that, were the whole number transplanted there, the Colonies would be like the daughters of the horseleach, and would still cry, "Give, give." Here was the testimony of a churchwarden to the state and prospects of workhouse children:—

> "The cost (he says) of maintaining and educating such children is at the rate of 3*s.* 6*d.* a week each. We cannot put them out to sevice till they are 14. They are soon returned upon our hands; the girls, in many cases, pregnant. They often marry at an early age, and beget a race of paupers. I am often shocked to recognise in our workhouse the same familiar faces, the said 'workhouse birds,' now fathers and mothers, whom I saw there as children twenty years ago. They know the law, they can tell how far they may safely go. They don't work, and yet they don't refuse to work; for they know that if they refuse they become liable to punishment."

Captain Stanley Carr, an Australian gentleman of great experience, said, "The emigration of pauper children was preferable to that of adults." The noble Earl dwelt on the mischiefs resulting from the unnatural disparity of the sexes in the colonies, and showed that the evil could not be remedied merely by sending out adult women, not merely because their number was deficient, but because their characters were suspected, and inferred that girls should be sent out before the age to which the least suspicion could attach; and he proposed the experiment of establishing a small industrial school for girls in the colony with which he was himself connected; and of fitting them by an education of not less than a year to become useful servants and eligible wives. Let any man try the question by his own experience, and then pronounce. The Bill, being merely intended to stir the question, and to excite comment and observation, was necessarily imperfect. The proposition of it would, he was sure, be most favourably received in the Colonies, and, when understood, would, he doubted not, be equally acceptable to all who cared for the welfare of the rising generation, who would be alike benefited by it, both those who emigrated and those who remained.

The Earl of DERBY said, he was not at all opposed to such a scheme as the Bill of the noble Earl was intended to bring into operation. No doubt it would be conducive to great advantage in the clearing of the poor-houses, and also in furnishing to the Colonies a supply of labour, of which there was great need; but more than that, it would rescue these unhappy children from a position in which continual poverty, and probably vice, would surround them, from both of which they would be relieved, by being transplanted to the Colonies. He wished to impress upon the noble Earl that he ought to be exceedingly cautious in dealing with this matter. He thought it was of the utmost importance that the greatest precautions should be taken as to the mode in which these children should be disposed of on their arrival in the Colonies, because several benevolent plans, founded on sound principles, had already been devised for the same object as that which his noble Friend had in view, but they had led, when put into execution, to results of a very painful description, and the public mind had thereby been much prejudiced against them. His only doubt as to the success of this measure was founded on the confession of the noble Earl himself, who had said that the Bill itself was "necessarily imperfect." If so, would it be wise to circulate it during the recess, and to allow the prejudices which might arise both in this country and in the Colonies from its errors to militate against it during that interval? He thought that the putting forward an imperfect scheme would tend to prejudice the benevolent project which the noble Earl had in view, and which he should rejoice to see brought into satisfactory operation.

The Earl of DESART had only one remark to offer to their Lordships on this subject, and that arose out of a circumstance of which the noble Earl might not be aware—namely, that the Emigration Commissioners had declared that the emigration of children was always attended with difficulty. A voyage by sea was always attended with great mortality among the children; and that mortality generally spread in its progress among the adults. It was a knowledge of this fact that had induced the Commissioners not to allow more than a small number of children to embark in the emigrant ships, their object being to prevent the spread of disease to the adults on board those vessels.

The **Earl** of **SHAFTESBURY** was well aware that children required on board of ship, as they did in private houses, a more liberal supply of oxygen than adults, and that from the want of such a supply a considerable degree of mortality had arisen among them; but under the new system and the greater care now adopted in the emigrant ships, there had been less sickness, and the amount of disease was not half as great as formerly. He thought that it would be advantageous, both at home and in the Colonies, that the poor should know that there was a scheme in agitation for the benefit of the pauper children themselves, and also for that of the Colonies.

The **Earl** of **DERBY** would leave it entirely to the discretion of the noble Earl himself either to press his Bill on the House now, or to withdraw it, for the purpose of producing a better Bill in the next Session of Parliament.

The **Earl** of **SHAFTESBURY** said, that, under all the circumstances, it would perhaps be better to withdraw the Bill for the present.

Bill *withdrawn.*

House adjourned to Monday next.

HOUSE OF LORDS,

Monday, June 28, 1852.

Minutes.] Public Bills.—*Reported.*—Consolidated Fund (Appropriation); Militia Ballots Suspension; Militia Pay; Nisi Prius Officers; Metropolitan Burials; General Board of Health (No. 2).

3^a Crime and Outrage (Ireland); Incumbered Estates (Ireland); Distressed Unions (Ireland); Holloway House of Correction; New Zealand Government; Suitors in Chancery Relief; Commons Inclosure Acts Extension; Turnpike Acts Continuance; Poor Law Board Continuance; Inland Revenue Office; Savings Banks (Ireland); Thames Embankment; County Rates; Excise Summary Proceedings; Woods, Forests, and Land Revenues; Valuation (Ireland); Metropolitan Sewers; Friendly Societies (No. 2).

SMITHFIELD CATTLE MARKET.

The **Earl** of **SHAFTESBURY** presented a petition from certain Owners and Occupiers of houses and other inhabitants in St. Mary's, Islington, against the proposed site of the New Cattle Market in Copenhagen Fields, or within seven miles of St. Paul's Cathedral. The Petitioners considered it to be a great grievance that that site should be selected for such a purpose. One of the most serious evils of the present Smithfield Market was the existence in that populous neighbourhood of a large number of slaughterhouses, gutspinning works, knackers' yards, and other appendages of a great cattle market. Mr. Grainger made an official inspection of these tenements in 1849 by direction of the General Board of Health, and received abundant evidence from the clergy, schoolmasters, and the inhabitants generally, of the large amount of sickness caused by the poisonous effluvia proceeding from the above establishments. The whole atmosphere was tainted by the foul exhalations; and he was informed by one clergman, whose church was opposite a knacker's yard, that the stench was so oppressive that he could neither open the windows of the church nor of the adjoining school. Supposing a proper site were selected, and proper regulations provided, it was most desirable that such establishments as slaughterhouses, boneboilers, &c., should be connected with a great cattle market; but, if Copenhagen Fields were allowed to be appropriated as now proposed, either the whole of that populous and growing neighbourhood must be polluted and rendered unhealthy by the collection of these noisome trades in its centre, or the metropolis must continue to suffer from all those evils which had given rise to so much public complaint, arising from the slaughtering of cattle, gutspinning, &c., as now carried on in all parts of London. If, on the contrary, a proper site were chosen, a large portion of the above noxious trades would be at once transferred out of London by the parties engaged in them; and there could be no doubt that, at no distant time, the metropolis would be entirely freed from what constituted, at present, a most serious and universally recognised sanitary evil. Now, it appeared to him that the site of Copenhagen Fields was very ill chosen. It was in the midst of a district already covered with streets and rows of new houses. There were many fine villa residences close to the site of the market. Building was rapidly proceeding in the whole locality, extending from Copenhagen Fields towards Kentish Town and Highgate. New streets were being laid out, and there was no doubt that within ten years Highgate would be joined by buildings with London. The land around Copenhagen Fields being all either built upon, or intended to be speedily built on, enhanced the price of building ground. It was reported that very lately eight acres and a half of land at Upper

Holloway, and therefore more distant than the site of the proposed market, were sold for 10,000*l*. He could not speak too strongly of the mischief which would accrue from the setting up a cattle market in the centre of such an extensive population. It had been declared in the Smithfield Bill that no new cattle market was to be erected within seven miles of St. Paul's Churchyard; but, if he was not misinformed, Copenhagen Fields was within three miles of that Churchyard. He therefore hoped that their Lordships would give attention to the prayer of this petition.

Petition to lie upon the table.

THE MILITIA—THE "BIRKENHEAD."

On Motion that the House go into Committee on the Militia Ballots Suspension Bill, and the Militia Pay Bill,

LORD BROUGHAM said, he wished to make a few observations on this Bill before their Lordships went into Committee, as he had not yet had an opportunity of stating his opinion—which, perhaps, might be of little value—upon any of the recent measures regarding the defence of the country. He could only concur in the present measures for regulating the militia on the ground that the state of our defensive preparations required some improvement, and that no other measure less exceptionable had been proposed. His opinion was, that it would be better for us to have an additional regular force than any militia at all; and he agreed in every word which had been said the other night by a noble Marquess (the Marquess of Lansdowne) on that subject; and with regard to the whole proposal, he had only this to say, that he regretted that those means for augmenting our forces had not been provided many years ago, when the highest military authority in the country lamented that our means of defence had been allowed to fall so low. Let their Lordships look to the consequences of not doing the right thing at the right time; for now, when they were proceeding to do it, they were asked by every Frenchman they met, "Is there any ground for alarm? Is the French Government not to be trusted? Is there any doubt as to the friendly feeling of the French people?" The only answer that could be given to such a question was this, "No, there is no such doubt—there is no such alarm—we are only doing now what we ought to have done 20 years ago, and which if we had then done, no such umbrage and no such suspicions in regard to the proceedings of the French Government or the French people, as your question seems to anticipate would have arisen." His opinion was that any scheme of the nature of a militia was one of the worst modes of raising troops that could be imagined. It acted as a tax on one class of the community, and as a compulsory service on another. It was also a tax exacted by lot; and, if the objections on that ground were got rid of by any system of insurance or mutual guarantee, or any system of clubs to equalise the pressure, still it operated as a poll-tax, and was open to the worst charge next to that of drawing lots who shall pay the tax, namely, that it was a tax imposed by head without any regard to the capacity of the party on whom it fell. For these reasons he thought that a militia force was the worst species of force which we could have resort to. Objectionable as the plan was to get troops, it did not enable you to get what you wanted—good troops. You expended your money for purposes of war, and got a bad instrument for your purpose. You got very bad troops, until they had been trained continuously for months, perhaps years. Nothing but the circumstance that this Bill was the only plan proposed, induced him to support it. He trusted, however, that before many months elapsed, a sounder plan would be proposed.

The EARL of CARDIGAN rose to move that certain Minutes which he held in his hand from the Adjutant General's Office, be printed.

LORD REDESDALE said, the noble Earl was out of order; he could not make such a Motion at that time: he must make a separate Motion, after the present Motion had been disposed of.

The EARL of CARDIGAN said, that the House would perhaps allow him to proceed with his remarks. The Minutes to which he alluded were those which had been ordered to be produced on a former night in consequence of its having been alleged by a noble Earl on the opposite benches that cetain troops had been embarked in the *Birkenhead* for the Cape of Good Hope who had not been instructed in firing with ball cartridge. The noble Earl, on looking into those Minutes, would find that he was mistaken upon that point. But, even supposing that there were any defect in that part of their military instruction, the soldiers embarked in the *Birkenhead* had shown that they were not deficient in all the higher points of military discipline. Never was there a more brilliant or a more beautiful exemplification of discipline than that exhibited by those gallant but unfortunate soldiers. Standing on the brink of death, they were steadily obedient to their officers to the last. They allowed themselves to be swept away into the tomb without a murmur, in order that they might secure a safe escape for the women and children on board the vessel from the common danger which they remained to brave. The noble Earl then proceeded to observe, that in his opinion Her Majesty's Government had done well in adopting this plan for raising a regular militia; for in the present condition of the representatives of the people, he thought that it would be impossible to procure from them a permanent vote for the support of a large Standing Army. Referring to the scheme which had been propounded for arming volunteer corps throughout the country, he said that in his opinion a more dangerous force could not be established than voluntary corps of men spread over the country, under no control and under no discipline—nay, even incapable of discipline—in the possession of arms which could not be taken from them, as they would be their own property, and which might be diverted to illegal purposes. He trusted that Her Majesty's Government, to which he was a sincere well-wisher, would succeed in this measure, and, indeed, in every other measure they might undertake. He must, however, call their attention to the situation of many officers in the militia regiments at present who were not qualified for the command entrusted to them. He hoped that old age, surrounded by numerous troops of friends and relations, would not be considered the best qualification for such offices. He knew a regiment in which the colonel, the lieutenant-colonel, the major, and six captains, were all sixty years old, and where every one of those officers were totally unacquainted with military movements.

EARL GREY was glad to hear that the soldiers on board the *Birkenhead* had been properly instructed in ball practice; and certainly he was very glad he had mentioned the subject, because a rumour to the contrary had been very current in town, and it was not right such a rumour should be current without being inquired into. He begged to remind their Lordships that he did not make the statement as of his own knowledge, but as a statement which he had received, and which he thought deserved inquiry. He entirely concurred with the noble Earl opposite in admiration at the discipline of the troops in the frightful calamity which befel that unfortunate ship. He concurred in believing that far more real courage and discipline were manifested by the mode in which they met their dreadful fate, than by the greatest gallantry which British soldiers had ever displayed on the field of battle. It was proof of their possessing all the higher qualities of a soldier. He admired the conduct of both men and officers, and he rejoiced very much to hear that the reports which the noble Earl had laid on the table were satisfactory.

PATENT LAW AMENDMENT (No. 2) BILL.

Commons' Amendments *considered* (according to Order).

LORD COLCHESTER moved that the Amendments be agreed to.

EARL GRANVILLE considered that the Bill would be much better if the Amendments of the Commons were excluded. He particularly objected to the Amendments introduced into the 4th and 18th Clauses.

LORD BROUGHAM should by no means recommend their Lordships to disagree with the Commons' Amendments. The Bill as it stood was a great improvement upon the old patent law, and he should recommend their Lordships to do nothing that should endanger the Bill for the present Session.

LORD CAMPBELL was understood to agree with his noble and learned Friend that the Bill was an improvement upon the present system.

EARL GREY thought, at the risk of not passing the Bill, their Lordships ought not to concur in passing the Amendments of the Commons. The effect of one clause would be to deprive the Colonial Legislatures of the power of granting patents. It was proposed to supersede their authority by that of the Crown. He had so strong an objection to the Amendments to the 18th Clause that he should move that their Lordships disagree to them.

The LORD CHANCELLOR observed that it was not proposed to supersede the right of the Colonial Legislatures; but the power of granting patents in the Colonies was at present vested in the Crown.

EARL GREY: If the Crown possessed the power, which is doubtful, practically it had waived it.

Some Amendments *agreed to;* some

disagreed to; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to certain of the said Amendments: The Committee to meet immediately: The Committee *reported* Reasons prepared by them: The same were read, and *agreed to;* and a Message was ordered to be sent to the Commons to return the said Bill, with the Amendments and Reasons.

SUITORS IN CHANCERY RELIEF BILL.

Order of the Day for the Third Reading, read.

LORD LYNDHURST said, that he would take that opportunity of calling the attention of their Lordships to a matter personal to himself. Upon a former occasion when the Bill was under discussion in the Committee of their Lordships' House, some expressions had fallen from him which he regretted to hear had given pain to a learned Judge in the other House of Parliament, for whom he entertained the very highest respect—he referred to the Master of the Rolls. He had no personal acquaintance with that right hon. Gentleman, nor had he seen him, that he was aware, since the period when he (Lord Lyndhurst) was last in office; but from the opportunities which he had had, when he held the Great Seal, of constantly admiring his learning, great ability, and uniform courteous manner, he considered him in every way worthy his distinguished parent; and he had every reason to believe that his character since he had been raised to the Bench fully corresponded with that which he then so honourably maintained; and nothing could be further from his mind than, in any expressions which he made use of, to give the slightest pain to the feelings of so distinguished an individual. The matter arose out of a desultory discussion which took place in Committee on this Bill. The Committee sat at rather a late hour, and what was then stated was not very accurately reported. As an instance of this he was reported to have made some remarks as to the share which the Master of the Rolls had taken in the framing of the present Bill, and the care he had taken to except his own Court from its provisions; he having, in point of fact, said not a word upon that subject, that being entirely foreign to the matter under discussion. The facts of the case were shortly this. The Bill in question was founded upon the report made by the Select Committee of the House of Commons. The Master of the Rolls was a Member of that Committee, and that Committee recommended in the strongest terms the abolition of what were termed "orders of course." They recommended that "orders of course" should be abolished; but as it would be proper to except some, it recommended that they be transferred to the Registrar of the Court of Chancery. The evident object of this recommendation was to mitigate and abolish the office from which those orders issued. At that time Sir John Romilly held the office of Solicitor General; but since that time he had been raised—very properly raised—to the Mastership of the Rolls. Now, in this Bill, founded on the report of the Select Committee, his attention had been directed to the fact that no notice whatever was taken of this recommendation. Nothing was said with respect to the offices which it was obviously the intention of that Committee should be abolished. Some gentlemen of great respectability in the profession—a society composed of eminent lawyers throughout the country, and many distinguished practitioners in London, and called "The Metropolitan and Provincial Law Association"—presented a petition to their Lordships, and requested him to introduce the subject to their notice. So far from there being any abolition of the office to which reference had been made, in accordance with the recommendations of the Commissioners, at the very time when this Bill was under consideration, the appointment became vacant, and the Master of the Rolls at that time—November last—named a young man to fill it who was then an articled clerk to some attorney in London, and who had not completed his articles. This appointment was made matter of complaint, and he was requested to bring the subject before their Lordships. He thought it his duty to do so, and accordingly impressed it upon the consideration of the Committee, but received no explanation. He had previously called the attention of the noble and learned Lord on the woolsack to the circumstance, but received no explanation from any quarter. He asked their Lordships, therefore, if he had done wrong, under these circumstances, in impressing the case upon the consideration of the Committee, and whether the Master of the Rolls himself, if he had been in his situation, would not have thought it his duty to have taken precisely the same course? Now, if this matter had been referred to a Select Committee, as the noble and learned Lord on the woolsack had rightly said it could not be, in consequence of its coming up so late in the Session, the matter might have been easily explained; but they had no explanation whatever on the subject, and he thought it was but due to the House to have called attention to it. The Select Committee, of which the learned Judge was a Member, recommended a particular course to be pursued with respect to certain offices. That learned person was, after a short period, appointed to that Court to which the offices belonged. A Bill was brought in, founded professedly upon the report of that Committee, and no notice whatever was taken of that material and important recommendation. Now, so far as he could collect, what passed in the other House on the subject—and he had no doubt it was correct—was, that this learned person stated that he had had nothing to do with the preparation of the Bill, and knew nothing of its details. He assumed, however, that as a Member of the Committee he was present at the discussion upon that portion of the Bill at least, founded upon that report, which affected the court of equity of which he was the Judge. He (Lord Lyndhurst) trusted that in the next Session of Parliament, when he should move for the abolition of this office, he should have the support of that distinguished Judge in the other House of Parliament. It had been objected to him that he had said that while the offices of the noble and learned Lord on the woolsack had been cut down with an unsparing hand; on the other hand, the offices of the Master of the Rolls had not been at all touched by it. Now, he appealed to any of their Lordships who had read through the Bill whether that was not strictly and accurately true. The utmost havoc—if he might use the expression—had been inflicted upon the offices of his noble and learned Friend the Lord Chancellor; while not a single office mentioned in the Bill in connexion with the Master of the Rolls had been abolished. He did not impute any blame to any one: all he contended was, that what he had stated on a former occasion was strictly and literally true. He did not think that any observations could have been made upon his statements; but the learned person was reported to have stated, as this office was now paid by salary instead of by fees—a salary of 1,000*l.* a year—that there was no ground of complaint. He did not think it possible that such a statement could have been made by that learned person, for this reason, that in order to alter one of these "orders of course" the attorney must be instructed, the petition would require to be drawn up and presented at the office, and other steps for which fees would of course have to be paid. As to the fees formerly paid to the officer, as they are now paid into court, the officer being paid by salary instead of by fees; he admitted that he was not paid directly by the individuals who made the application. But what was the consequence of this change? A salary was established, instead of fees, of 1,000*l.* a year. From what fund did this salary come? From the Suitors' Fee Fund. Thus from the reduced fees of the Court of Chancery was derived a salary of 1,000*l.* a year for an office which the Select Committee recommended should be abolished. Was he not, then, perfectly justified in calling the attention of their Lordships to the circumstances as he had done? There was one trifling circumstance stated to have been alluded to by the learned Judge, at which he was somewhat surprised. It was with reference to the statement he had made, that, while the noble and learned Lord on the woolsack was to have but one clerk, at a salary of 200*l.* a year, the Master of the Rolls was to have two clerks, at a salary of 300*l.* a year. What were the facts of the case? The Bill provided one clerk for the Lord Chancellor at the rate of 200*l.* a year, and 300*l.* a year was given to one clerk in the office of the Master of the Rolls, if only one was appointed; that was, that if the same number of clerks which were allotted to the Lord Chancellor were given to the Master of the Rolls, the clerk of the Lord Chancellor would receive but 200*l.* a year, while the clerk of the Master of the Rolls would receive 300*l.* Then there was a provision, that the Master of the Rolls, if he thought proper, might divide that 300*l.* and have two clerks, giving only 150*l.* to each of them. He regretted that in the "scrambling" discussion of the other night, he had not with sufficient clearness and precision pointed out this latter course to their Lordships. He thought he had now stated enough to satisfy their Lordships that he was justified in the statement which he had made on a previous occasion, and that it was his duty to impress upon the Committee the circumstances which had occurred; and he trusted that the explanations which he had made would be satisfactory to the learned Judge. He could assure their Lordships that he should feel the greatest regret if anything he had said on a former occasion, and still more upon this occasion, should have in the slightest degree hurt the feelings of that learned Judge. Before concluding, he trusted their Lordships would allow him to make one observation, for the purpose of putting the House upon its guard against the Bills which came up from the other House at a late period of the Session, and also against any alterations made by that House in the last stages of a Bill. He thought nothing was so mischievous as the course pursued in this respect. A Bill having passed through its various stages, and gone through Committee, it was generally considered that nothing further could be done to improve it. Some most important alterations, however, often crept in at the last stage of a Bill. Now, mark the effect of this. There was a clause in this Bill giving a certain amount of retirement to officers of the Court of Chancery, and a proviso was very properly added to that clause, providing that nothing therein contained should affect the retirement given by former Acts to any officer of that court. Nothing could be more fair than this. A man who accepted office upon the faith of an Act of Parliament granting provision for a retirement after twenty years' service, looked, and very properly so, to possessing a vested right in that retirement. The proviso, therefore, to this effect was agreed to in Committee, and went through the usual stages there; but afterwards, either upon bringing up the report, or upon the third reading, the proviso was cut out. What was the consequence of this? Those who were entitled after twenty years' service in one of the most valuable offices of the Court of Chancery to a retirement upon two-thirds of their salaries, would be, under the operation of this Bill, and in consequence of striking out this proviso, entitled only to a retirement of one-half of their salaries. His attention had been called to this circumstance, and he had consulted the noble and learned Lord on the woolsack upon the subject; but a difficulty arose in dealing with it, on the ground of its being a money clause, and the House of Commons claimed certain privileges over clauses of this description. He felt disposed, rather than do injustice to individuals in this way, to vote directly against the Bill, although many of its provisions were extremely advantageous to the country. They had, however, contrived, by a side-wind, to remedy the defect complained of, and he would now support the Motion for the third reading of the Bill. He apologised to their Lordships for having detained them so long in the early part of his observations upon a matter personal to himself, and hoped, so far as his latter observations were concerned, that they would receive the general sanction of the House.

LORD BROUGHAM did not intend to enter on the subject of the explanations given in so clear and lucid a manner by his noble and learned Friend; but he entirely agreed in all he had said in commendation of his right hon. and learned Friend the Master of the Rolls. He greatly regretted the absence of a noble and learned Friend (Lord Truro) who was prevented by the great labour he had undergone that morning, since half-past 9 o'clock, from remaining to give an explanation on the part of the Master of the Rolls, but which no person unacquainted with the Bill and with its history was capable of giving. As a sample of the explanations which might be given, he might state, with reference to the 200*l.* and 300*l.* a-year salaries, that he understood the Master of the Rolls had the power of appointing one or more clerks at a salary not exceeding 300*l.* for all, whereas the Lord Chancellor had the power of appointing only one clerk at 200*l.* a-year. But if, as he understood, the duties of clerk in the Lord Chancellor's office could be performed by one, whereas the duty of clerk in the Master of the Rolls Office required more—say two, if not three—the Master of the Rolls had not the power of appointing two at a salary of 300*l.* each, but he had the power of appointing two at a salary of 150*l.* each.

LORD LYNDHURST stated, that shortly before he came to the House he informed the noble and learned Lord the late Lord Chancellor that he intended to make the statement he had made; but the noble and learned Lord was so unwell and so exhausted by his judicial duties during the day, as to be obliged to leave the House. With reference to the clerks in the Master of the Rolls' office, he (Lord Lyndhurst) begged to state, from information he had received, that if orders of course were abolished, one clerk would be amply sufficient.

Bill read 3ª, and *passed.*

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.

MASTER IN CHANCERY ABOLITION BILL.

The LORD CHANCELLOR moved, that the Commons' Amendments in these Bills be considered. The noble and learned Lord, having described the Amendments, said that, although he dissented from many of them, he did not propose that the House should reject them—with one exception, however. He understood that a learned person was represented to have stated that the proposal to dispose of the Masters' offices, in Southampton-buildings, and provide chambers elsewhere for the Equity Judges, was a romantic whim. On the contrary, it was founded upon a knowledge of human nature; and the only way to make the scheme answer, would be found to be by bringing the clerks into immediate and personal communication with the Judges, and that could only be done by providing accommodation for them in the same building. His (the Lord Chancellor's) object had been to come as near to that result as he could, and have the chambers as near the Judges as possible. He regretted to find that the House of Commons had struck out a clause which would have given power to a court of law to send a case for the opinion of a court of equity, and *vice versâ*. He had proposed that, where a Judge found the objection raised that the plaintiff's title was only equitable, then, instead of all the expense of the action being thrown away, the Judge should have power to ask the opinion of a court of equity whether the plaintiff had a right to the legal estate; and if that court held in the affirmative, the Judge might order a verdict to be entered for the plaintiff, notwithstanding that objection. The Commons had also inserted a clause, of which he highly disapproved, taking away from courts of equity the power of sending cases for the opinion of the courts of law—a power which would be peculiarly advantageous under the new system, because the Judge in his chamber with his clerk could at once settle the case. It was seldom that in equity you could get a pure decision upon a pure question of law unembarrassed by the facts; and the abolition of the power in question would add much to the expense to which parties would be put. But, though he disapproved of these Amendments, he was not disposed to risk the Bill by asking their Lordships to refuse to agree to them. It was represented that when the Master in Chancery Abolition Bill was read a second time in the House of Commons, the Attorney General of the late Government stated, "that the Bill had been mutilated and entirely spoilt by the Lord Chancellor, and that it was now a different measure from that introduced in conformity with the recommendations of the Chancery Commissioners." That was a strange statement, for it was under his (the Lord Chancellor's) direction that the measure was framed. He was deeply indebted to Sir J. Graham for vindicating him, and stating that the recommendations of the Commissioners had been fully and fairly carried out. After that he hardly expected to find the late Prime Minister speaking thus: Having, in his review of the measures which had been pushed forward during the present Session, stated that most of the measures of the present Government had their origin with the late Government, the noble Lord said—

> "Of these, Chancery reform was one of the most important. That was no party question. I am far from asking credit for it as a party measure; but a Commission having been instituted by the late Government, made their report upon the subject, and it was announced in the Queen's Speech that on that subject a measure would be introduced; the [present] Government introduced a Bill, but even at the last moment there were clauses in it so objectionable, that my right hon. Friend the Member for Ripon, who belonged to the Commission, had to insist on the Report of the Commissioners being carried into effect, in order to make it a good and useful measure."—[3 *Hansard*, cxxii. 640.]

He (the Lord Chancellor) would not indulge in a single word of recrimination; but he would say that all this was a direct misstatement. He would state that the new measure had been most fully considered, not only under his own authority—for he devoted much time to the subject—but he had had the assistance and advice of the four Equity Judges, who had gone through every clause word by word, and had given their approbation to the whole of its provisions. In considering the second Bill, he had had the additional assistance of the two Lords Justices; and he must say that no Bill had ever been more thoroughly and attentively considered than that measure. Though he differed from some of the alterations made by the House of Commons, that House was competent in every way to form an opinion, and he could not find fault either with its power or disposition to make the alterations which had been made. He had undertaken to carry out the Report, and he had done so, not servilely tying himself to every word of its recommendations, but honestly taking their sense and meaning. No one was more ready than himself to thank those Commissioners, and they deserved all the compliments paid them; but, though great respect was due to the report of such eminent men, their report was not law, and it was not to be expected that every single proposition of theirs was to be carried out exactly in the way they proposed. The noble and learned Lord concluded with moving that the Commons' Amendments be agreed to, subject to a slight alteration in the form of one of them.

LORD LYNDHURST said, that when the present Administration came into office, he despaired of the success of these measures, at least in the present Session of Parliament. But his noble and learned Friend the Lord Chancellor, notwithstanding that he had been suffering from illness, had earnestly applied himself to the task, and, by his extraordinary industry and entire mastery of the subject, had finally accomplished that which he (Lord Lyndhurst) had thought almost impossible; and he must congratulate the country on these great and important measures being brought to a successful issue. He might mention also that there was a very heavy arrear of judicial business in that House when his noble and learned Friend took office, and that that arrear had now been, to a great extent, removed, owing to the industry, learning, and experience of his noble and learned Friend.

LORD CRANWORTH said, that having been consulted by his noble and learned Friend on the woolsack, he thought that there must be some misunderstanding with respect to that which was said to have occurred in "another place." The statement was that his noble and learned Friend had "mutilated" the Bill. Such a statement carried its own refutation on the face of it, for it was his noble and learned Friend's own Bill. He (Lord Cranworth) thought that there were one or two provisions recommended by the Commissioners which were very objectionable. There was one clause in particular which he had wished to have withdrawn. A most unfortunate alteration had been made by the other House in omitting the clause giving power to the Court of Chancery of sending cases to the Courts of Common Law. The result would be that instead of a cheap and speedy mode of getting a decision on a case stated, and argued by one counsel on each side, there must be an action brought, and the parties would be put to great loss of time and heavy expense. But as to the power to send cases the other way (from Law to Equity Courts), he did not think that would have been an improvement. Upon the whole, he believed these measures would be of most essential use, and, though objecting to one or two Amendments, he thought it would be well not to risk the fate of the Bill by pressing such objections.

LORD CAMPBELL was anxious to see the power retained in the Court of Chancery of sending cases to a Court of Common Law. He spoke with some disinterestedness on that point, because some of the most laborious duties which the Judges in the Common Law Courts had to perform, arose in consideration of cases sent to them from the Court of Chancery. He had had some experience in Courts of Equity; and he doubted very much whether cases of that nature would be better dealt with in such Courts than in those of Common Law. For one thing, they would be argued by more counsel—perhaps by seven or eight on each side—whereas in the Courts of Common Law it was rare in such cases that more than one counsel appeared on a side. The Common Law Bench, therefore, came speedily to a decision.

LORD BROUGHAM concurred with his noble and learned Friend in thinking that it was unfortunate that the Bill, as it now stood, took away from the Courts of Equity the power of sending to the Courts of Common Law questions of law arising in causes in which these points were mixed up with matters of fact and matters of equity. It might be said that the Lord Chancellor or the Vice-Chancellor might now have the assistance of a Common Law Judge; but it was much more satisfactory to have points of law deliberately argued in a Court of Common Law, where they could be taken altogether, freed from the mixture of facts and of equity. He thought the present practice of sending cases to a Court of Common Law was an excellent mode of getting a clear, neat, and distinct opinion upon the matter of law. In the Courts of Common Law, too, they had the authority of four Judges, and it was much less likely that the party against whom a decision was given would appeal against their judgment than against the decision of one Common Law Judge sitting with one Judge in Equity. He therefore thought, with his noble and learned Friend, that it might be advisable to disagree with the Amendment. He could not close those few remarks without joining all who had already expressed themselves in stating the strong opinion he entertained of the invaluable benefits which these measures would confer on the jurisprudence of this country. He did think, with all the improvement the law had received of late years, that there had not been any measures sanctioned by the Legislature which would bear comparison in point of importance with those measures of which he was now speaking. Praise had been bestowed on those connected with the preparation and carrying into effect of those important measures by much higher authorities than himself; but he could not help saying that all parties concerned were well deserving the endless gratitude of the country. It was impossible to name the Commissioners without feeling the respect and gratitude which the country owed to them for their enlightened and valuable labours. The late Government deserved the greatest praise for the pains which they had taken to give effect to the reports of those Commissioners whom they had appointed, and whose plan they entirely adopted. His noble and learned Friend the present Lord Chancellor no sooner came to the woolsack than he also adopted the Report. His noble had learned Friend had also applied himself again and again to the whole subject, and given to the preparation of the measures recommended by the Commissioners all the benefits of his long experience, his great learning, and his distinguished talents. He (Lord Brougham) believed there must be some mistake as to what had taken place elsewhere; for there would not surely be any attempt to deprive his noble and learned Friend of the praise which was justly due to him. He was now performing what he knew to be a superfluous and he believed also an unpopular task—that of general commendation: what he said was little likely to meet with acceptance either in Parliament or out of doors from those whose judgments were warped by party connexions and party views; but it was the happiness of those who act unfettered by the trammels of party to enjoy at all times the privilege which the Roman historian described as only an occasional felicity—*rara temporis felicitas*—that of thinking as they please, and speaking as they think.

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.—Commons Amendments *considered* (according to Order); some *agreed to;* One *disagreed to* [that which took away the power of the Court of Equity to send cases to a Court of Common Law]; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to One of the said Amendments: The Committee to meet immediately: The Committee *reported* Reason prepared by them: The same was read, and *agreed to;* and a Message was Ordered to be sent to the Commons to return the said Bill, with the Amendment and Reason.

MASTER IN CHANCERY ABOLITION BILL.—Commons Amendments *considered* (according to Order), and *agreed to*, with Amendments; and Bill, with the Amendments, returned to the Commons.

METROPOLITAN BURIALS BILL.

Order for Committee read.

The EARL of HARDWICKE moved that the House go into Committee on this Bill. Their Lordships would remember that the second reading of the Bill had been agreed to on Saturday as a matter of form, but he thought it his duty, at this stage of the measure, to state its objects briefly to their Lordships. The crowded state of the metropolitan burial grounds, and the revolting scenes constantly occurring in them, were so well known that it was unnecessary for him to enter into the subject. The Legislature, in 1850, endeavoured to remedy these evils by a Bill which was then passed into law. That measure had however, proved wholly inoperative. That Act gave power to the Board of Health to carry the whole scheme into operation. It gave most extensive powers to that Board, and among others the power of closing the burial yards of the metropolis, and of compelling the whole of its dead to be interred beyond the walls of the City. But no sooner had the Act passed and the Board of Health came to consider the amount of money necessary to be laid out in the purchase of cemeteries, than it was found that the sum was so large that they were unable to borrow the amount, in consequence of the Act not giving sufficient security for the repayment of the principal and interest. The Board of Health had calculated that there would be 51,000 funerals annually in the cemeteries which they proposed to lay out, and that the revenue arising therefrom would be sufficient to pay the interest of the debt; but it was subsequently found that there was no clause in the Act which compelled the inhabitants of the metropolis to bury their dead in the cemeteries to be created under its provisions. The Act, therefore, was practically a dead letter, and it had become necessary to apply to Parliament for another Act. The present Bill repealed the Act of 1850, and instead of vesting the necessary powers in the Board of Health, it vested them in the hands of one responsible authority, namely, one of the Secretaries of State. It enabled the Queen in Council, on the recommendation of the Secretary of State, to close such burial yards in the metropolis as might be thought necessary on the ground of public health or decency. Any parish so deprived of its burial ground was empowered to borrow money on the security of the poor-rates, for the purpose of providing a cemetery, or a portion of one, for the burial of its dead, precisely in the same way as money was now borrowed for the erection of union workhouses, under the obligation that the principal and interest were to be paid in twenty years. In the meanwhile, however, as burial places would be required for the parishes whose grounds had been closed, the Brompton Cemetery had been purchased by the Crown, for the purpose of relieving parishes so situate, and would be available for all those parishes which did not choose to make use of the cemeteries now in existence, or to borrow money for the purpose of providing a cemetery of their own. That would, in some degree, affect the question of compensation for loss of fees to incumbents. Of course, where a parish had secured its own burial ground, that parish would be at liberty to engage its own clergyman for the burial of the dead, and no doubt the clergyman whom they would employ would be their own incumbent. The case of the Dissenting population was met in this way. A portion of a new burial ground would not be consecrated; and therefore they would be at liberty to have their own ministers to officiate at the burial of their dead. The only valid objection raised to the Bill had been taken on the part of those who being the owners of private burial grounds, conceived that its provisions would operate injuriously and oppressively upon their interests. There were two descriptions of burial grounds within the metropolis. Some of the burial grounds had become charged with dead bodies to such an extent that it had become an object of horror within this city. He could not conceive that the owners of such burial grounds could found any just claim for compensation, seeing that they were already filled with dead to their utmost extent. But there were other parties who might be aggrieved by the Bill—namely, those who had property in burial grounds not fully charged with the dead, and who might, therefore, suffer material loss by this Bill. The Bill, as now drawn, gave no compensation to such parties; but the Government had determined, on the bringing up of the Report, and on the consideration of the question, to introduce such a clause as would meet such cases. The mode in which that would be done, would not be by giving any money compensation, but by excepting from the action of the Bill burial grounds belonging to private individuals, unless specially named by an Order in Council. In that case he apprehended the owner of such a burial ground would have a right to be heard before the order for closing the ground was conclusively made, with a view of showing to what extent he would be injured by such order. The Act only contemplated the shutting up of those burial grounds which were wholly charged with dead, or supposed to be injurious to the public health; and he apprehended the Crown would be enabled to do justice, from time to time, to individual cases.

LORD CRANWORTH said, that, at an earlier part of the evening he had presented a petition from a number of very respectable Protestant Dissenters, who had urged him to propose certain alterations in the Bill, which had been unsuccessfully urged in the other House of Parliament. He informed them that he could not take that course, but he had promised to call the attention of that House and of the Government to their representations. The petitioners stated, that under the present law every person, whether a member of the Church of England or a Dissenter, who had been baptised, had a right at common law to be buried in the churchyard of his own parish. The consequence was, that in many instances there were vaults in churchyards belonging to families, some members of which might be members of the Church of England, while others were Dissenters, and it was a satisfaction to surviving relatives to know that all the deceased members of a family were buried in the same place. The petitioners had, however, taken up the notion that the new burial grounds to be constituted under the present Bill were to be divided into two portions, the one consisting of consecrated and the other of unconsecrated ground—that in the one part Dissenters might be buried according to their own rites; the other would be reserved for the interment of members of the Church of England; and the petitioners apprehended that, by the adoption of this measure, they would be deprived of the right they now possessed, although Dissenters, of being buried in consecrated ground. It did not appear to him, from a glance at the Bill, that that was the construction to be put upon it; and he had stated that he was certain, if the Bill could bear such a construction, it could not have been intended. He must say, for his own part, that he thought Dissenters might be allowed to be buried according to the rites of their own sects, although in consecrated ground; but he was afraid this Bill did not contain any provision on that subject.

The EARL of HARDWICKE said, that by this Bill Dissenters would be enabled to bury their dead either in the consecrated or the unconsecrated portion of the parish cemetery or burial ground. With regard to the regret which had been expressed by the noble and learned Lord opposite, that the Dissenters should not be allowed to be buried by their own ministers in the consecrated ground, he had only to observe that that question had been decided over and over again, and it was discussed in the House of Commons, who did not agree to a provision for this purpose, because it was thought that it would totally change the character of a portion of the consecration if Dissenting ministers should be allowed to officiate in consecrated ground.

House in Committee.

Bill *reported* without Amendment; Amendments made; and Bill to be read 3ª To-morrow.

INCUMBERED ESTATES (IRELAND) BILL.

Order of the Day for the Third Reading read.

Moved—"That the Bill be now read 3ª."

Lord Cranworth

LORD MONTEAGLE observed that the limitation of the operation of the Incumbered Estates Act to three years had caused a great amount of property to be pressed into the market within a limited period, with a consequent depreciation of its value; and there was now a vast quantity of property before the Commissioners which it was impossible they could deal with during the term fixed for the duration of the Commission. Now, the effect of this Bill, which extended the period for the presentation of petitions without any corresponding continuation of the powers of the Commissioners, would be, that land would still continue to be accumulated in the court, without any enlargement of the time for its sale; and he feared that this must result in a still further depreciation of the value of landed property in Ireland.

The EARL of DERBY said, that the object of this Bill was to prevent a glut, from the forcing of a great number of estates into the market at the last moment. In order to attain this, it was necessary to extend the time for the presentation of petitions, which would otherwise expire in the present year; but as the powers of the Commissioners would, under the original Act, still continue for two years longer, there would be ample time for Parliament hereafter to consider whether it would be necessary to extend the operation of that Act, or whether it might not be practicable altogether to abolish this exceptional tribunal, by adapting its machinery to the ordinary tribunals, and giving them the requisite facilities for discharging the duties now discharged by the Incumbered Estates Commissioners. The present Lord Chancellor of Ireland was in favour of the latter course, and was exceedingly anxious that nothing should be done to give permanence to the Commission, until it had been carefully considered whether its duties might not be performed by the ordinary courts. If that was not found practicable, there would be ample time in the next Session of Parliament to extend the further existence of the Commission.

After a few words from the Earl of STRADBROKE, which were not audible,

On Question, *Resolved* in the *Affirmative.*

Bill read 3ª accordingly, and *passed.*

House adjourned till To-morrow.

HOUSE OF LORDS,

Tuesday, June 29, 1852.

MINUTES.] PUBLIC BILLS.—1ª Juvenile Pauper Emigration.

3ª Militia Ballots Suspension; Militia Pay; Nisi Prius Officers; Metropolis Water Supply; Metropolitan Burials; General Board of Health (No. 2); Pimlico Improvement.

DISTRICT COURTS OF BANKRUPTCY ABOLITION BILL.

On the Order of the Day for the Second Reading of this Bill,

LORD BROUGHAM said, that he would take that opportunity of presenting two Petitions which had reference to the newly-established County Courts. The first was from a corporate body in Scotland, expressive of their satisfaction at the various amendments of the law which had recently been made in this country, and more especially at the establishment of courts of local judicature in England; and praying that the English County Court system might be extended to Scotland. As their Lordships were probably aware, there was a system of local judicature already, time out of mind, existing in Scotland; but the English system, as recently established, was much more cheap and efficient: and though in Scotland all but a very few kinds of action, and actions to any amount, could be tried before the local judicature—that of the sheriff in the first instance—yet the expense and delay were great, and the petition desired that for actions of a moderate amount the sheriff's small debt jurisdiction, now confined to 100*l*. Scots, or 8*l*. 6*s*. 8*d*., should be considerably extended. The other petition was from an old man, crippled, poor, and uneducated, signed with his mark; who complained that he had been unjustly kept out of the possession of a small tenement to which he was entitled as heir-at-law, and that by reason of his poverty he had no means to obtain redress of the wrong he had thereby suffered, the party in possession not pretending any right, but knowing that the petitioner could not eject him, and therefore refusing to give it up; and the petitioner prayed their Lordships to extend the jurisdiction of the County Courts to cases of small value involving questions of title to landed property. Their Lordships were aware that County Court Judges could not entertain questions of title. He had already presented many petitions, praying for the extension of the jurisdiction of the County Courts to other cases, and especially to equitable matters, and to bankruptcy. He was of opinion that the time had arrived when bankruptcy and certain proceedings in equity might be entrusted with safety and advantage to the County Courts, as had been provided in the original County Courts Bill brought in by him in 1830, and which so nearly passed in 1833; and it would be in their Lordships' recollection that he had last year introduced into their Lordships' House a Bill for the Further Extension of the County Courts, which contained clauses giving those Courts the jurisdiction exercised by the Masters in Equity. That Bill had been sent to the Commons, and adopted with amendments; but the prorogation had prevented it from passing their Lordships' House; and this year the Bill had been passed without the equity clauses which formed part of the Bill of the preceding year, he having consented to withdraw them until the new Bills on the Court of Chancery should pass, with which Bills it was by some feared that these clauses might clash. He trusted, however, that many months would not elapse before such an extension of the jurisdiction of the County Courts would be agreed to. The Chancery Bills now so nearly passed made this the more absolutely necessary. He further thought the County Courts should have jurisdiction in bankruptcy, as they had already in insolvency. He had, therefore, again brought in, with that view, the Bankruptcy Bill, now standing for a second reading, but which he proposed to defer until the next Session. It was hardly necessary for him to describe to their Lordships the extent of the business transacted in those Courts, or the important benefits conferred by their proceedings. In five years there had been upwards of 2,000,000 cases, involving claims to the amount of upwards of 6,300,000*l*. brought to these Courts. Since the extension of their jurisdiction, in 1850, there had been, out of 2,500 cases between 30*l*. and 50*l*.—the number tried in three months—only five appeals, and in only one out of these five cases had the judgment been reversed. One effect of this working of the County Courts had been the diminishing to nearly one-half the number of writs issued by the Superior Courts, and the amount of business there had been reduced in a still greater proportion. Many people supposed that because their labours had been so much lightened, there was no longer need of the same number of learned Judges in the Superior Courts; but he was of a wholly different opinion. Those Judges, besides other duties, might be well and fully employed in going oftener on circuit, in making gaol deliveries more frequently than they now did, and in trying causes which do not come within the cognisance of the County Courts. As to the effect which the establishment of those Courts might have in the lowering of the profession of the law in the Superior Courts, and lessening the number of those able men from whom the Judges both of the Superior and of the County Courts must be selected; the true remedy for that was to be found in lessening the delay, expense, and complexity of the proceedings of the Superior Courts, so that they might start fair, and no longer be under the disadvantages which at present encumbered them. Let there be more frequent circuits, and let the expensive delays be diminished, which now kept suitors out of the Superior Courts, and they would stand the competition of the new tribunals. Great as had been the benefits conferred directly by the County Courts, in his opinion they had less directly been beneficial in another respect—in the improvement which they had been the means of effecting in the jurisprudence of the country. If it had not been for the light thrown by the experience of the County Courts, he did not think he should have been able to obtain the consent of Parliament to the Bill which he had last year introduced for making the evidence of parties to an action admissible, and for compelling them also to be examined. The importance of this amendment of the law had now been acknowledged even by the Judges, who were at first most averse to it. But it was, he hoped, about to produce a most salutary effect in checking bribery at elections. They were now on the eve of a general election, and he must say that he thought that the knowledge of that Act, a great deal more than the Corrupt Practices at Elections Bill, would do much to prevent bribery and corruption, and certainly to secure its detection if committed. The Act last passed, with some important changes, especially as to treating, made in that House, would still, he hoped have some effect; but it applied only to cases of general corruption, and the parties might not be much afraid of a commission being issued; but the other Act to which he referred would apply to every single elector, and he could not help thinking that the fact of the person himself being compellable to give evidence on an Election Committee, would prove an effectual measure for checking bribery. Bribery assumed a contest, or the apprehension of a contest. A contest assumed the risk of a petition, and of an Election Committee; and, therefore, all candidates must be now aware that they would be strictly examined as to all that took place. They must expect to be thoroughly sifted by every means which the practised skill and ingenuity of counsel could afford. They must disclose every particular which they knew, or believed, or suspected, unless they confessed their guilt by sheltering themselves under the protection afforded by the common law, and then their chance of retaining or obtaining their seat was gone. Therefore it would be well that every candidate, every candidate's agent, and every friend of a candidate, should be made aware that he was absolutely compellable to give evidence on oath before an Election Committee touching every one act that had been done or attempted to be done at the election. He had now made this statement as a warning to all such parties, and he trusted it might reach them and deter them from practices so sure to be exposed. Returning to the subject of County Courts, he had to remind their Lordships that they had now experience for the last six years, and with respect to sixty different Courts. By that experience it became our duty to profit. There had been several errors and more oversights in the framing of the Act of 1846, which passed very rapidly at the end of the Session, and which he had in vain attempted to prevent passing in such a hurry. There had been other errors and omissions which could only be discovered by the actual working of the system. It now became necessary to supply these defects, and to amend, as well as consolidate the various Acts, and parts of Acts, which related to the local jurisdiction. He strongly recommended the appointment of a commission to examine the whole subject. The examination of the learned Judges of these Courts, of the other officers, and of the practitioners, would afford most valuable information. He knew this not only from its great probability, but from the numberless communications which he had received during the last two years from those connected with the Courts, as well as the provincial Bankruptcy Courts. Many of the suggestions made he had adopted in the Bills now before the House. But many others, well deserving attention, would be conveniently inquired into if the commission was issued; and he trusted that the result would be to place the local judicature upon a sound and satisfactory foundation. One most important subject of inquiry would be the costs; and although the Bill which had passed both Houses, and only waited for their Lordships consenting to the Commons' Amendments, had introduced an invaluable improvement in that matter, much remained to be done, and it was absolutely necessary to reduce greatly the expense attending the procedure, chiefly by retracing the steps which had unfortunately been taken in 1846 of throwing the charges of the Courts upon the suitors by exacting heavy fees. The suitors now paid 60,000*l.* a year to the Judges, 76,000*l.* to the clerks, 27,000*l.* to the bailiffs upon service of process, for he did not reckon the fees upon levying execution, which might more justly be charged upon the party, as he had been ordered to pay, and refused. But, independent of those execution fees, 163,000*l.* a year was extorted from the suitors for supporting that which it was the bounden duty of the country to provide, namely, the means of distributing justice. It is the very end and object of Government to afford the people protection. The condition of the subject's allegiance is the affording him this protection. He has exactly the same right to it which the Government has to his obedience, and the expense of affording him this protection must be borne by the community at large. Can anything be more unjust, indeed more utterly absurd, than to throw that expense upon one class, and that class suffering at the moment from injustice? Making the suitors pay for the Courts, is making those who have to be pitied as victims of injustice rather than oppressed, pay because they are suffering from the injustice of their adversaries. The State is bound to keep the peace. Suppose a riot to happen in St. James's-square, where his noble Friend (the Earl of Derby) resides, how would he like, if he had to pay the policemen or the military who put it down and saved his life and property from destruction? He would say it was enough to have suffered from the alarm and from the partial injury his property had sustained. But that was not all. We made the suitor in one Court pay for the expense of maintaining the officers of other Courts in which he does not sue. How would his noble Friend like to pay for the police and soldiers which put down a riot in London, merely because he had suffered from a riot in Westminster? Even that was not all. There are large sums—47,000*l.* and more—levied on the suitors to pay for erecting court-houses, which may last eighty or a hundred years. These are paid for by the suitors who have causes to try this year. How would his noble Friend like to pay for the police and soldiers who may be employed to put down a riot in 1862, because he had suffered himself in a riot of 1852? Nay, even that was not all. The suitor in Middlesex, where a court-house is not wanted, has to pay for providing a court-house in Yorkshire. He whose cause can be tried in the old court-house here, must, because he has the misfortune of having a cause to try, pay so much in addition to all the expenses of that trial, in order that the Yorkshireman may have his cause tried where there is now no coort-house ready. How would his noble Friend like if, because he had suffered from a riot in London this year, he had to pay for the suppression of all the riots that might happen in Yorkshire for fifty years to come? Really the gross injustice of this extortion is lost in its glaring absurdity. The fees of Court extorted from the suitor, in causes from 20*l.* to 50*l.*, amount to no less than 3*l.* 11*s.* 6*d.* on each case, all to relieve the State of the expense of performing its most imperative duty; and the very persons who ought the least to be charged with this expense, those who are the least able to pay it, and are suffering from misfortune, are alone burthened with it, and because of that misfortune. Surely it is impossible that this grievous abuse, if inquired into before the commission, should not receive a speedy and effectual remedy. He could not leave the subject of Law Amendment without asking his noble Friend at the head of Her Majesty's Government a question on another important matter intimately connected with it—he meant the digest of the law, statute as well as common, civil as well as criminal, but he especially referred to the criminal law. The learned Commissioners who were appointed in 1833, with instructions relative to digesting the law, had made a valuable report on that subject in general; but they had afterwards, in 1844, prepared a digest of the law of crimes and punishments. This had been referred back to them for revision, and he (Lord Brougham) had brought in a Bill to enact it, when a second reference was deemed expedient, and a second Bill of his had been referred to a Select Committee, which had consulted the learned Judges of the three Kingdoms upon it, and none had expressed any dissatisfaction with the result of the labours of the commission. But the digest of the law of criminal procedure, subsequently prepared by the commission, remained imperfect in consequence of the death of Mr. Starkie. When the commission of which he was so effective a member, expired, he (Lord Brougham) recommended the Government of the day to renew it for six months longer—a period in which all that was wanted might be completed. Already a large sum had been expended in defraying the expenses of the commission, occasioned by its labours on the Criminal Law. Of the 80,000*l.* or 90,000*l.* which the commission had cost, between 30,000*l.* and 40,000*l.* had been the cost of the Criminal Law digest, only 2,000*l.* was wanted to complete the work, and two years ago that sum was offered to be supplied in case the Government would not furnish it. The Government, however, refused the money, and also refused to renew the commission, accompanying their refusal with the assurance that care would be taken that the fruits of the labours of the Commissioners should not be wasted. He did not find fault with any one; but worse economy could hardly be imagined, for the want of that small additional expenditure rendered all the rest of the money which had been advanced just as useless as if it had been thrown away. When it was said that although the commission was not renewed, the labour and cost of the commission were not to be lost, the meaning must have been, in other words, that the Government would act on that which the Commissioners had prepared, and would give us a well-digested code of criminal law and procedure. But it now appeared that nothing whatever had been done during these two years. He trusted that his noble Friend at the head of the Government would direct his attention to this subject during the recess, and would renew the Commission, so as to complete this great work, and to give us a well-considered and well-consolidated digest of our criminal laws, and the law of criminal procedure. If it were a sacred principle, an imprescriptible right of the subject, that he should receive protection in return for his allegiance, as he (Lord Brougham) had taken leave to affirm a few minutes ago, it was a principle not less sacred, and regarding a right as imprescriptible, that the people must have given to them a due knowledge of that criminal law for the infraction of which they were liable to the heaviest punishment, the loss of liberty, and even of life itself.

The EARL of DERBY need hardly say that the subject to which his noble and learned Friend had referred, was worthy of engaging the attention of any and every Government, and that all parties ought to be prepared to co-operate in any useful and necessary reforms of the law. But his noble and learned Friend was aware of the circumstances under which the present Government entered office, and undertook the ordinary Parliamentary affairs of the country. He knew that their attention had been exclusively directed to the current business of the Session. However, he could assure his noble and learned Friend that the subject should not be lost sight of; and that, if the dissolution was really so near at hand as his noble and learned Friend seemed to anticipate, and if during the recess, that repose should occur which it might be supposed the Government would enjoy, he would promise his noble and learned Friend that the subject of a digest of the criminal law should certainly receive the fullest consideration.

LORD BROUGHAM said, he would not press his Motion for the Second Reading of the District Courts of Bankruptcy Abolition Bill.

Order read, and *discharged.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, June 29, 1852.

BIRKENHEAD DOCK TRUSTEES BILL.

Order for Third Reading read (Queen's *Consent* signified).

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. HUTT said, he should move as an Amendment that the Bill be read this day month. The promoters of the measure had proceeded in violation of an injunction granted by the Court of Chancery, and the Committee had upset the decision without any sufficient grounds, and saddled the bondholders with the costs of the whole proceedings.

MR. HEADLAM said, he should support the proposal of the hon. Member for Gateshead (Mr. Hutt) and beg to second the Amendment. The Bill contained a gross and undoubted violation of a clear undertaking which had been entered into by its promoters. An injunction had been obtained from Vice-Chancellor Parker forbidding those parties from doing what they proposed to do by that measure, and they had subsequently acquiesced in that injunction. He should further observe that there could be no immediate object gained by then reading the Bill a third time, as it could not possibly pass through the House of Lords in the present Session.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

Question proposed, "That the word 'now' stand part of the Question."

CAPTAIN BOLDERO said, he was in favour of the Bill. It had received in all its main provisions the unanimous approval of the Select Committee to which it had been referred. He had himself been a Member of that Committee, and he could undertake to say, that he and the Gentlemen who had served with him had bestowed upon the subject the most careful inquiry. The injunction to which the hon. Member who had last addressed the House had referred, was an injunction of the ordinary kind, and had been obtained without an inquiry into the merits of the case. He had further to state, that the injunction had been obtained, not with respect to that part of the Bill which had been retained, but with respect to that part of it which had been struck out.

MR. T. DUNCOMBE said, he would support the Amendment, unless he heard some explanation of the gross breach of good faith on the part of the promoters. Instead of explaining that charge against them, the hon. and gallant Member for Chippenham (Captain Boldero) had made a most serious charge against Vice-Chancellor Parker, and said he had granted an injunction, but had never entered into the merits of the case.

MR. WILSON PATTEN would support the third reading. He never saw an opposition to a Bill conducted in a more dilatory manner. He believed the Committee had done their duty, and had taken the greatest pains to arrive at a just conclusion.

SIR FRANCIS BARING said, he must say that this was not a common case, for there was the decision of a Court of Justice that the expenses of the Bill ought not be paid out of certain funds; but a Committee of that House had practically upset the decision of the Vice-Chancellor. He (Sir F. Baring) was one of a Commission who had originally inquired into the merits of the case. The Commission referred the matter to two eminent engineers, and they expressed themselves decidedly against the plan; yet this Bill, founded on this very plan, was pushed forward in the most obstinate and determined manner. He hoped the Government would state their views on the subject.

MR. HENLEY said, that with regard to the merits of the question, he was not prepared to give the House any opinion either one way or the other. He had given the consent of the Crown in the matter in conformity with the usual practice on such occasions.

MR. CHRISTOPHER said, that the conservators of the Mersey had not expressed any opinion on the way in which the Bill affected the navigation of that river, though they had recommended a different plan for the docks from that of the promoters.

SIR ROBERT H. INGLIS said, the Bill appeared to come before the House under somewhat peculiar circumstances. The fact was, that a clause had been put into the Bill nullifying and stultifying the decision of one of the ablest of our Equity Judges, who had made an absolute and general injunction on the subject. It was not fair to pass the Bill until a satisfactory explanation had been given of the mode in which it was attempted to deal with and set aside the injunction of Vice-Chancellor Parker.

MR. J. TOLLEMACHE said, he would vote for the third reading of the Bill, as he thought it would benefit the trade of the river Mersey.

LORD SEYMOUR said, the trustees had brought in a Bill contrary to the wishes of the bondholders, in order to set aside the former plan. The trustees had violated an engagement into which they had solemnly entered. Such a breach of honour ought not to be sanctioned by the House.

SIR PHILIP EGERTON would support the third reading. The parties promoting the Bill were not the trustees. He hoped the House would not reverse the unanimous resolution of the Committee.

MR. HUME thought the Bill ought to be suffered to lie over until next Session.

Question put.

The House *divided:*—Ayes 47; Noes 35: Majority 12.

Main Question put, and *agreed to;*—Bill read 3°, and *passed.*

POLISH REFUGEES.

Lord DUDLEY STUART said, he held in his hand a petition, the presentation of which he had given notice of. It was the petition of a single individual, a foreigner, who had been known to him (Lord D. Stuart) for upwards of twenty years, as a person of undoubted respectability, Leopold de Rose, a Polish refugee. He stated in his petition that he served as an officer in the horse artillery, under General Bem, in 1830 and 1831, in the war carried on by Poland against Russia. He subsequently came to this country, with many of his countrymen as refugees, and was granted, with others, a pension of 26*l.* a year, which he continued to enjoy until 1850, when a general rule was made by the Treasury, which prohibited refugees, under a certain age, from receiving such assistance. The petition also stated that he (Leopold de Rose) previously, as well as subsequently, obtained a living by giving instruction in foreign languages, and by the sale of drawings and paintings executed by himself. It was his practice, in order thus to eke out a poor but honourable subsistence to go about to different parts of the country and leave his drawings in houses, subsequently calling to know if they were purchased. The petitioner also stated that he never, on any occasion, asked any person for a charitable donation. Nevertheless, on the 13th November, 1851, he was sentenced at Gosport, by Dr. Hildyard; a magistrate, to be imprisoned for fourteen days, and kept to hard labour in the gaol of that locality. He was convicted and sentenced on the evidence of one witness (Captain Hamilton) who swore the petitioner said "he was very poor," and had asked him for charity, which the petitioner denied. On being released from prison, having undergone the sentence, the petitioner was desirous of removing the stain that he conceived attached to him, and he therefore wished to publish a statement of the entire affair, but had not the means. However, by the observance of strict economy he did become possessed of the means wherewith to publish the statement; and with that view he obtained a certificate from sixty or seventy of the inhabitants of Gosport, who all testified to his respectability, as also that they knew no grounds whatever for treating him as a vagrant. Towards the end of May, 1852, he applied to the Gosport bench for a copy of the deposition, and was informed by the magistrates—not those who previously committed him—that he could have a copy on payment of the usual fees. Subsequently, however, the clerk told him, in presence of the magistrates, that he could have no such copy, and consequently he was obliged to leave without the document. Now he (Lord D. Stuart) was anxious that some inquiry should be made into this matter; and he therefore begged to give notice that he would to-morrow move, that a copy of the depositions in this case be presented, and laid on the table of the House.

CASE OF MR. MURRAY AND MR. MATHER.

Lord DUDLEY STUART said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer the question of which he had given notice, namely, whether the Government has taken, or intends to take, any measures to obtain detailed information as to the proceedings on the trial of Mr. Murray at Rome, and whether there will be any objection to lay on the table of the House the correspondence which has taken place with reference to this case. He wished those documents to be laid on the table, so that the House and the public might be enabled to form an opinion as to the guilt or innocence of Mr. Murray.

The CHANCELLOR of the EXCHEQUER: The Government has received no explanations relative to the case of Mr. Murray since the communications we last made to the House. Her Majesty's Government gave instructions to Sir Henry Bulwer to give his constant and careful attention to the case; and I feel sure the House will agree with me that the matter could not be left in better hands than in those of that eminent diplomatist. As regards the proceedings against Mr. Murray, I do not think it will be possible for us to lay on the table the evidence taken against Mr. Murray in those investigations. I know there is a great prejudice in this country against all judicial proceedings which are secret; but we must remember that, in a country where assassination is the national custom, there is a wide distinction between the reasons for publishing the evidence, and in a country like England. And, whether the evidence upon which conviction took place, was or was not sufficient, there can be no doubt of the fact, that the main reason why judicial inquiries are kept secret in Italy is, that those who it was known gave testimony in such proceedings often met a violent death. At the same time, I think it more than probable that Sir Henry Bulwer will, either himself or by means of his agents, obtain a sight of that evidence. It would not be wise or prudent, in my opinion, to lay the correspondence at this moment on the table of the House, considering that the whole case is now under the care of Sir Henry Bulwer; and we may all feel satisfied that he will spare no pains, and omit no opportunity, of bringing the matter to an issue satisfactory to the people of this country. We have great confidence in the ability of that gentleman; and as the production of the papers sought for might tend rather to embarrass than to aid his exertions, we trust the House will not now insist on the production of the correspondence. I may take this opportunity of mentioning that, since the House last met, we have received from Sir Henry Bulwer an announcement that the cause of the misunderstandings between this country and Tuscany had been entirely removed. The Tuscan Government had made the most ample acknowledgments of regret for what had occurred respecting the case of Mr. Mather, and had made a most unequivocal avowal of her responsibility as an independent State to protect all British subjects that are travelling or resident within her territories. The House will permit me to say that this announcement, as satisfactory to the Government as I am sure it will be to the House and the nation, is mainly owing to the consummate skill of Sir Henry Bulwer, who conducted this negotiation with so much ability that the very best feeling now exists between the Governments of Her Majesty and that of the Grand Duke; and instead of this acknowledgment on the part of Tuscany having been brought about by means which would have left a lingering ill-will on the part of the Government that made it, there exists, on the contrary, the very best sentiments towards Her Majesty's Government and this country on the part of the Government of the Grand Duke. For this, I must again say, we are mainly indebted to the eminent ability and successful exertions of one of the greatest diplomatists of the age.

EXPULSION OF MESSRS. WINGATE AND OTHERS FROM AUSTRIA.

SIR HARRY VERNEY, in the absence of the hon. and learned Member for Youghal (Mr. C. Anstey) begged to move the Resolution of which notice had been given. He (Sir H. Verney) was rejoiced to hear that a good understanding had been restored between Her Majesty's Government and the Court of Tuscany; but the House was aware that the Mather case was not the only one which Sir Henry Bulwer's attention could be judiciously directed to. All that the gentlemen who had been expelled from the Austrian territories had done was to distribute bills, and it was right that it should be ascertained whether such a proceeding was a violation of the law that obtained force in Roman Catholic countries. In the case of Mr. Edward, the only accusation brought against him was, that he had received permission to preach to the Protestants at Lemberg, and that he had preached in a village. His was a particularly hard case. The Scotch Free Church had sent in certain demands for compensation, which he (Sir H. Verney) thought ought to be awarded to them; and it was undoubtedly the duty of Government to ask for compensation. But the money compensation was nothing at all compared with the injury done. In this instance, however, the complaining parties had been allowed to reside for upwards of ten years in Pesth, and although none of the laws of Hungary had been changed in that period, they received peremptory orders to quit the country in the middle of last winter. It was the duty of the House, as it must be its interest, to take care that outrages of this nature were not allowed to be perpetrated with impunity. So long as British subjects obeyed the law of the country in which they lived, the British Parliament was bound to afford them protection against wanton injury or damage; and he hoped Government would be prepared to announce on this occasion that this subject would receive their immediate attention.

MR. KINNAIRD seconded the Resolution. He thought the statements of the Austrian Government by no means satisfactory, and that these missionaries had reason to complain that their expulsion was both sudden and arbitrary. After a residence of ten years they were suddenly ordered to leave the country. They had to part with their property at a great sacrifice. It was a case in which they had a right to look for the interference of Government, who, he hoped, would insist on compensation, as a protection to British subjects in future.

Motion made, and Question proposed—

"That this House, recognising the undoubted title of the Queen's subjects resident in Foreign

Countries to the continual protection of Her Majesty, in respect of their liberty, property, and other personal rights, and considering that in the case of the Reverend Messrs. Wingate, Smith, and Edward, arbitrarily expelled from the Austrian dominions in the month of January last, with their wives and children, under circumstances involving much sacrifice of property, and other hardships to the sufferers, those rights were violated, and that no redress has been hitherto obtained for the violation, is of opinion that the case is one calling for prompt and earnest measures on the part of Her Majesty's Government."

The CHANCELLOR OF THE EXCHEQUER: I regret, Sir, that the hon. Baronet, as he has undertaken to bring forward the question, has not also framed the Motion according to his own views, for, had he done so, I am inclined to think the Motion would be different from that presented to us by the hon. and learned Member for Youghal. The House is called upon, as the Motion now stands, to pronounce a very strange expression upon circumstances which the statements made to the House this morning do not by any means justify. I ought, perhaps, to place before the House the state in which this case was when we acceded to office, for on that part of the question great misapprehension seems to have existed, and I think I cannot do better, in order to clear up this portion of the case, than to ask the House to turn to No. 7 of the despatches laid before it by order of Her Majesty, in which they will find, in a communication from Earl Granville, then Secretary of State for Foreign Affairs, to the Earl of Westmoreland, the British Ambassador at Vienna, dated 17th February, 1852, the case thus put:—

"A deputation from the Protestant Alliance, the Free Church of Scotland, and the Scottish Reformation Society, consisting of the noblemen and gentlemen whose names I inclose, waited upon me a few days since, for the purpose of submitting to me a statement as to the circumstances attending the expulsion of the Rev. Messrs. Wingate and Smith from the Austrian dominions. It appears from this statement, that Messrs. Wingate and Smith are missionaries from the Free Church of Scotland for the conversion of the Jews; that they established themselves in the year 1841 at Pesth, with the knowledge and approbation of His Imperial Highness the then Viceroy of Hungary; and that they continued ever since to reside there, except during a short period in the year 1848, when they retired for a season, in order to avoid any imputation of meddling in the political troubles which then agitated Hungary. It further appears that, during the whole of the time that they have resided in Hungary they have transgressed no law, and have conducted themselves with universally admitted propriety; that in the lifetime of the late Palatine they always enjoyed his protection, and that since his death they have uniformly given to the constituted authorities every information as to their proceedings and objects. It moreover appears that in their several ministrations they adhered strictly to all existing laws, and that their converts from Judaism were uniformly received as members of the Protestant communities which are sanctioned by the Austrian Government, and that they scrupulously abstained from interference with the Roman Catholic persuasion. After having thus passed ten years peaceably in the country, Messrs. Wingate and Smith were, on the 15th of January, summarily, and without cause assigned, dismissed from Pesth, and were compelled, within six days, to dispose of their property, and, with their wives and families, to depart, in the depth of winter, from their homes. Although it is not for Her Majesty's Government to suggest what amount of religious toleration should be exercised in Austria, and although Her Majesty's Government are aware that measures as rigorous as the above have at different times been applied both to Protestant and Austrian subjects, and to foreigners not subjects of Her Majesty; and although Her Majesty's Government have, therefore, abstained from making a formal demand for redress, yet Her Majesty's Government cannot think it possible that the Austrian Government should have been acqainted with the particulars stated above when they ordered the hasty expulsion of these unoffending persons; and I have, therefore, to instruct you, in bringing the matter under the notice of Prince Schwartzenberg, to leave it to the good feelings of the Austrian Government to decide whether they think fit to afford any compensation to these persons for the bodily sufferings entailed on themselves and their families by their sudden removal at this inclement season, and for the loss of property inflicted on them by the forced sale, amounting almost to confiscation, of their effects. Inclosed your Lordship will find a memorandum of these losses, which has been furnished to me by the parties. I have no means of estimating the correctness of the estimate, although, from its small amount, and the respectable character of the applicants, I have little doubt of its correctness."

I wish particularly to impress on the attention of the House that passage in the despatch of Earl Granville which indicates the policy of the British Government. The Government, it will be there seen, leaves, and very properly, to the good feeling of the Austrian Government as to what course should be pursued, and as to what compensation should be made. I mention this the more emphatically because on the 20th of March another despatch was written by the direction of the Earl of Malmesbury, and which has been spoken of in this House in terms of indignation and reprobation. I mean that one addressed by Mr. Addington to Mr. Guthrie, a gentleman belonging to our legation at Vienna. Mr. Addington wrote as follows:—

"I am directed by the Earl of Malmesbury to acknowledge the receipt of your letter of the 17th inst., inclosing a memorial from a public meeting held at Glasgow, on the subject of the expulsion from the Austrian dominions of certain Protestant missionaries to the Jews. In reply, I am directed to inform you, that it appears from a preliminary conversation on this matter between Her Majesty's Minister at Vienna and the Austrian authorities, that the measure in question was adopted in pursuance of the determination of the Austrian Government no longer to tolerate any interference on the part of foreign missionaries with the religious belief of Austrian Jews. I am further to point out to you that it is not for Her Majesty's Government to dictate to the Austrian Government what amount of religious toleration should be exercised in Austria, and that, consequently, Her Majesty's Government have abstained from making a formal demand for redress; but I have to inform you that Her Majesty's Minister at Vienna has been instructed, in bringing this matter under the notice of the Austrian Government, to leave it to the good feelings of that Government to decide whether they think fit to afford any compensation to the missionaries in question for the bodily sufferings entailed on themselves and families, and for the loss of property inflicted on them by the forced sale of their effects. To this demand no reply has yet been returned by the Austrian Government, but the Prime Minister promised to give the subject his immediate attention."

When that despatch was read by the hon. and learned Member for Youghal (Mr. C. Anstey), the document and the Government, more especially my noble Friend at the head of Foreign Affairs, were held up to the censure and scorn of the country. It was said that a remarkable change had taken place in the foreign policy of England; and this despatch, which is nothing more than a repetition of that of Earl Granville, was made the basis of the attack. Earl Granville placed the question, I think wisely and temperately, before the Earl of Westmoreland, who never took any other course than that suggested by his instructions; and that noble Lord throughout adhered to the policy which, I repeat, in my opinion, Earl Granville wisely originated. I think it necessary to say so much in justice to my noble Friend, the Earl of Malmesbury, and in vindication of those obstreperous charges to which he was subjected about a fortnight ago. I now come to the conduct of the Austrian Government, and those charges contained in the despatch of Earl Granville which I have already cited. Count Buol thus writes to the Earl of Westmoreland, on the 19th of April:—

"Immediately on receiving the memorandum which the English Minister Plenipotentiary and Envoy Extraordinary, the Earl of Westmoreland, addressed on the 27th of February to the Imperial Ministry for Foreign Affairs, and in which his Excellency applied to the Imperial Government to grant a compensation to the Scotch missionaries, Messrs. Wingate and Smith, expelled from Pesth in the month of January last, this Ministry made it its duty to inquire from the competent imperial authorities the grounds of this measure, and to recommend the application for compensation to their consideration, according to the circumstances of the case. From the reply of the Minister of the Interior, of the 17th of this month (a copy of which, together with two enclosures, is annexed), the British Minister is informed, first, that Messrs. Wingate and Smith were from the first only tolerated in the exercise of their calling, and that, therefore, the withdrawal of this tacit toleration was always in the power of the Government; further, that their removal only took place in consequence of clear evidence of their having repeatedly overstepped and transgressed the existing laws and regulations; and that the Imperial authorities only adopted this measure to avoid the necessity of adopting more stringent measures against them—namely, prosecuting them according to law. Under these circumstances the competent Imperial authorities find it impossible to admit Messrs. Wingate and Smith's claims for compensation, and the Ministry for Foreign Affairs can, therefore, only express its regret to his Excellency the Earl of Westmoreland at being unable to return any more favourable reply to his application."

And the Earl of Westmoreland, on the 25th of May, thus writes to the Earl of Malmesbury:—

"Count Buol did not contest the statement of Mr. Stuart, that Messrs. Wingate and Smith had proceeded to Pesth with the intention of carrying out the conversion of the Jews, which was not illegal, if to a confession legally recognised in Austria, but which the confession of these gentlemen was not, as well as to supply divine service to the British residents; but he stated that no exercise of the functions of a clergyman or of public teachers was admitted in Austria, except under regulations sanctioned by the competent official authority, which, in the case of these gentlemen, had not been granted; and although a deviation from the established regulations had for a considerable time been tolerated in this case, no legal title could be established thereby, and the Austrian Government could not lose its right to put a stop to the proceedings whenever they thought it necessary to do so. Count Buol remarked upon the next statement in Mr. Stuart's letter, that the Austrian Empire had ministers of their own in the different persuasions of Christianity, who were examples of Christian holiness and love, and who were employed in the sacred duties of administering to the service of the Church, and of attending to the religious education of their fellow-countrymen, therefore no foreigner could have a legal right to undertake (without a special appointment to that effect) the duties which are confided to the national ministers and teachers, and consequently, that the conversion of the children of Catholic parents, or of the teachers in the school established by the missionaries, which was partly admitted in Mr. Stuart's letter, could have been sanctioned by no legal authority whatsoever. With respect to the statement in Mr. Stuart's letter, that the missionaries distributed Bibles and other books in Hebrew and other languages, but that they adapted their proceeding to all existing laws, Count Buol remarked that as early as the 12th of March, 1851, the application made to the Minister of the Interior to sanction the publication and distribution of Bibles through Protestant ministers and booksellers had been refused; and he conceives Messrs. Wingate and Smith must have been aware of this decision, which had been come to with no view of preventing the distribution of the Bible—for there is no restraint in Austria to its publication or sale by persons authorised to that effect—but to prevent its being carried on by foreign agency, as it interfered with the rights and privileges of their own subjects. Upon the statement by Mr. Stuart, that 'the whole tangible offence, as set forth in the paragraph (which he quotes), consisted in the missionaries being Britons and not Hungarians,' Count Buol remarked that he only objected to the words 'whole tangible offence,' but to the rest of this sentence he assented; in as far as it was the desire and intention of the Austrian Government that the religious instruction of their subjects and the service of their churches, in the different persuasions to which they belonged, should be confided to the regularly established ministers of their own country, and not to foreigners, over whose doctrines, education, or loyalty, they could have no control. He believed this was not the case in England, and, therefore, he was not surprised Mr. Stuart should have remarked upon it; but the Austrian Government must adapt themselves to Austrian regulations and convictions."

But it is upon the case of Mr. Edward that the chief stress is laid, and it is upon his case the hon. Baronet (Sir H. Verney) mainly relies. Upon reading these papers, I can find nothing which could warrant the statements made respecting this gentleman, but much which to me appears to disprove the charges respecting him. Mr. Edward maintains that he was, in fact, expelled from Lemberg under circumstances of great hardship, and in an inclement season of the year, though a quiet resident, and not offending against the laws of Austria. Now, this is the case which is selected as the most grievous, unjust, and tyrannical on the part of the Austrian Government. What are the facts? Will the House allow me to read the despatch of the Earl of Westmoreland to the Earl of Malmesbury, dated June 2nd:—

"Count Buol has communicated to me the further information as to the removal of Mr. Edward from Lemberg, which he had promised me in his note of the 25th of April, a copy of which was transmitted to your Lordships in my despatch of the 26th April. It appears by the statement of Count Buol, that the authorities of Lemberg had by a note signed by Major-General Lilienborn, and addressed to Mr. Edward on the 23rd of December, 1851, a translation of which I enclose, annulled the order of the 17th of December, by which that gentleman was instructed to leave Lemberg by the end of that month, and had informed him that the authorities of the town had been directed to refer the whole of his case to the Ministry for Instruction and Religion in Vienna, and that until their decision was made known, he was at liberty to remain in the town of Lemberg. It appears, therefore, as no further communication was made to Mr. Edward, that there was no reason for his departure from the Austrian States at the time he determined to undertake his journey; and this would seem to be entirely established by the assurances which have been given me both by Count Galizchofsky, the Governor of Gallicia, who is at present in Vienna, and by the Minister of the Interior, Baron Bach, who state that they in no way desired that Mr. Edward should leave Lemberg, but only that he should refrain from holding his religious meetings till the competent authorities had decided upon the case submitted to them; and Baron Bach was in the belief that he was remaining there after his return from Vienna, to which place he had proceeded (when the note of General Lilienborn of the 23rd of December had been delivered to him) to learn the decision of the Government upon his petition. When Mr. Edward came to Vienna and called upon me, I informed him of the steps I had taken to obtain the object of his application; and I recommended him to wait at Vienna till the Government had replied to the memorandum I had transmitted to them; and I afterwards, upon hearing from Mr. Grey that he desired to return to Lemberg, applied to Prince Edmond Schwartzenberg to grant him that permission, if he asked for it, who assured me he would do so; but he afterwards told me that Mr. Edward had never applied to him; and there appears to have been no necessity for his doing so, as he returned to Lemberg without Prince Schwartzenberg's interference. But why he left that capital to undertake the arduous journey to Breslau is what the authorities in Vienna have not been able to discover. They know of no order issued to him after the note of General Lilienborn; and if Mr. Edward received any subsequent one, they have requested to be furnished with a copy of it; and they are anxious to obtain it, because, as no decision was taken upon the application I had made on behalf of Mr. Edward, any order to leave the country before such decision had been come to, and which I had requested him to wait for, would be in direct contradiction of the note which had been transmitted to him on the 23rd of December from General Lilienborn."

And to this despatch the Earl of Westmoreland adds the following postscript:—

"P. S.—Since writing the preceding part of this despatch, I have received from the Minister of the Interior, Baron Bach, the memorandum, a copy of which I inclose, by which your Lordship will perceive that the decision by the Ministers of the Interior and of Ecclesiastical Affairs upon the application of Mr. Edward, which had been transmitted from Lemberg to Vienna, was only come to on the 20–21st of February, when it was transmitted to the authorities at Lemberg, to be communicated to that gentleman; but it could not be communicated to him, as he had already left that capital and the Austrian States on the 30th of January, so that he appears to have proceeded on his journey to Breslau without waiting for the decision of the Government, and without any order whatever from the authorities to quit the country."

Now, this is the case which is designated as arbitrary and tyrannical. Absolutely, Mr. Edward is described as an exile driven from his residence in an inclement season. But what is the case. Why, Sir, the fact is that Mr. Edward never was ordered to quit at all, for the order of the 17th December was immediately rescinded, on his protest. I wish to insinuate nothing against Mr. Edward, whose character I believe to be respectable, and upon which I do not desire to insinuate a doubt; he was a respectable missionary, who exercised his functions at Lemberg under certain regulations; he was permitted to perform Divine service in his own chapel, and to convert the Jewish population to the Church of which he was a missionary, under the condition that he would carry on his vocation within certain bounds. But Mr. Edward travelled out of those bounds—of that there could be no doubt, for he acknowledged his indiscretion—he preached to the Austrian population of a neighbouring village, in violation of the condition upon which his missionary preachings were permitted. He accordingly received notice to quit Lemberg, whereupon he made representations of an extenuating character. And how were those representations received? Why, in a most courteous spirit, for the order for his expulsion was immediately rescinded, and the resident Governor said he would transmit the case to the central authority in Vienna, and that until his case was decided upon there, he would not be molested. Mr. Edward, who seems to be a nervous sort of man, instead of remaining where he was, immediately sets out for Vienna, and applies to our Ambassador there, the Earl of Westmoreland, who treated him with sympathy and courtesy, and recommended him to be quiet, and to return to Lemberg. Our Minister promised to Mr. Edward to obtain permission for him to remain in Lemberg; but at the end of February, when the order reached Lemberg, Mr. Edward had left long before, and had undertaken a long journey to Breslau, in an inclement season, without the slightest necessity. Up to this moment Mr. Edward had received no final order to quit Lemberg; and yet this is the man who is held up as a martyr—a victim of the cruelty and tyranny of the Austrian Government. Now, Sir, these facts are undisputed. There can be no doubt about them. They are in the papers before the House; but Her Majesty's Government, being anxious to obtain the fullest and most accurate evidence on the subject, applied to Mr. Edward himself. Lord Stanley wrote to the Rev. A. Moody Stuart, on the 11th of June, the following letter:—

"I am directed by the Earl of Malmesbury to inform you that a reply has been received from the Austrian Government to the representations which Her Majesty's Minister at Vienna had been instructed to make on the subject of the expulsion of Mr. Edward from the Austrian dominions. It is stated in that reply, that Mr. Edward, on his arrival at Lemberg, declared that the object of his mission was solely and exclusively the conversion to Christianity of members of the Jewish faith. Authority was on this given to Mr. Edward to follow up that object, coupled with the condition that his lectures should be delivered only in his own house, and in the presence of Jews. It is further stated that Mr. Edward did not conform to this condition, that he preached before mixed assemblies of Jews and Christians; that he induced several members of the Roman Catholic Church to attend such lectures, and that he moreover did not confine himself to preaching in his own house, but addressed a Christian congregation in the manufacturing village of Vinniki, at some distance from Lemberg. As several complaints were made to the authorities of these proceedings, those authorities acted in perfect conformity with the laws of Austria in addressing to Mr. Edward, on the 17th December last, a notice to quit the country by the end of the month. Against this order Mr. Edward is stated to have protested, and Major-General Lilienborn, the Governor of Lemberg, in consideration of such remonstrance, addressed to Mr. Edward a letter, dated the 23rd of December, giving him permission to remain at Lemberg until his case should have been decided upon by the Minister of Public Worship at Vienna. Major-General Lilienborn, moreover, gave Mr. Edward permission to proceed to Vienna, for the purpose of pleading his cause. He, however, at the same time, ordered Mr. Edward, until the decision should be known, to abstain from holding his religious meetings. On the arrival of Mr. Edward at Vienna, he was informed that he must await at at Lemberg the decision to be given by the Austrian Government; and his passport, at his special request, was countersigned for his return. The Minister of Public Worship did not give his decision until the 20th of February, 1852, and on the 21st an order was sent to the authorities of Gallicia to inform Mr. Edward that his petition to remain could not be acceded to, but at the same time to allow Mr. Edward all necessary time to settle his affairs. On the arrival of this order at Lemberg, it could not be communicated to Mr. Edward, as that gentleman had already quitted the Austrian dominions of his own accord, on the 30th of January preceding. The Austrian Government professes itself entirely ignorant of the causes which induced Mr. Edward to take this step, or of any further order issued to him subsequent to the letter from General Lilienborn, of the 23rd of December, 1851. Should Mr. Edward, however, have received any such order, the Austrian Government would wish to be furnished with a copy of it, as it would be in direct contradiction to the notification made to Mr. Edward on the 23rd of December. I am now directed by the Earl of

Malmesbury to request that if Mr. Edward has received such a subsequent order, he will furnish his Lordship with a copy for communication to the Austrian Government, and further to ask whether Mr. Edward has any observations to make as regards dhe accuracy of the foregoing statement."

To this letter no answer whatever was received, nor since then had one single iota of the statement of the Austrian Government been disproved, or even challenged, by the rev. gentleman and his friends. The case of Mr. Edward was selected as a case of peculiar hardship and tyranny; but the assertions made in reference to it are not warranted by the facts. There has been no reserve or foul play in the production of these papers. The correspondence is complete. Any one who reads it can see the whole of the circumstances in all their bearings. We have treated the House with perfect candour; and I ask the House whether they are, upon this head of the inquiry, justified in coming to the Resolution which the hon. Baronet recommends? Though most unwilling to trouble the House, I must allude to the other case—that of Messrs. Wingate and Smith—which are included in this Motion or Resolution. Now, I will refer the House to the terms of the Resolution, and to which I particularly wish to direct their attention. Now, as regards the sacrifice of property as stated in the Resolution, the House must know that it is very easy to make a large demand for compensation, as in the famous case of M. Pacifico. This is an instance of the same kind, though not pushed to so great an extent. The demand for compensation made by the Rev. Messrs. Wingate and Smith amounted to between 400*l.* and 500*l.* That demand was made during the time that Earl Granville was at the head of the Foreign Office. The amount of compensation demanded was 472*l.* 10*s.* Of course no Government would concede to such a demand without investigation; and in pages 39 and 40 of these despatches the nature of the claims for compensation might be ascertained. I will not fatigue the House by quoting these despatches, or rather inclosures, but I will state the result of the investigation by the Austrian Government—that so far from there being a claim of 472*l.* against them, the furniture of those gentlemen was sold under very advantageous circumstances, and upon the whole the Austrian Government considered their demand an exaggerated and unfair one. The Earl of Westmoreland took a deep interest in the case, from the representation of the Rev. Moody Stuart; and ultimately our Minister found himself in an unpleasant position, having made a demand which he could not substantiate. On the 12th of June, the Earl of Westmoreland sent a despatch to the Earl of Malmesbury, of which the following is a copy:—

"I have the honour of submitting to your Lordship the reply of the Minister of the Interior, Baron Bach, to the memorandum I addressed to Count Buol, on the 3rd of May, on the subject of the compensation claimed by Messrs. Wingate and Smith, for losses incurred by them on their removal from Pesth. By this document your Lordship will perceive that Baron Bach transmitted my memorandum to the authorities at Pesth, directing them to examine into the claim for compensation therein set forth, and to transmit to him the result of their investigations; and he has now embodied this result in his report to Count Buol, in which he expresses the opinion that, after the authentic statement of the case which has been made to him, there exists no reason to grant the compensation claimed by those gentlemen."

And upon the same date the Earl of Westmoreland sends the following despatch to my noble Friend the Secretary of State for Foreign affairs:—

"I have the honour of inclosing a translation of the note of Count Buol, by which he transmits to me the report made to him by the Minister of the Interior, Baron Bach, upon the result of the investigations which he had caused to be made upon the claims for compensation by Messrs. Wingate and Smith, which I had put forward in the various applications I had made on this subject, and more particularly in my memorandum of the 3rd of May. Count Buol states in this note the reasons assigned by Baron Bach for not agreeing to the claims of Messrs. Wingate and Smith for compensation, as he considers that no case has been made out in favour of it, either for losses on the sale of furniture, for the rent of the house, or for the expenses of the journey home. Count Buol, therefore, is unable to come to any other determination, and he submits to your Lordship all the information upon which this decision has been arrived at, but at the same time he states his readiness, in consideration of the applications made upon this subject, to contribute towards the personal travelling expenses of these gentlemen, if your Lordship should think fit to propose it to them."

In the despatches of Count Buol, dated June 11, that Minister speaks as follows; and nothing, I think, can be fairer than the language of Count Buol in this despatch:—

"A memorandum has been transmitted by the Earl of Westmoreland to the undersigned, Minister for Foreign Affairs, in which his Lordship again puts forward the claims of the missionaries Wingate and Smith, under the heads of losses sustained by them (in consequence of their sudden removal from Pesth) through the sale of their furniture, as well as by being obliged to give up the house rented by them, and also to a compensation for the expenses of their journey. In order to ascertain accurately upon what grounds Messrs. Wingate and Smith found their claims, the undersigned requested the Minister of the Interior to cause these statements to be investigated and verified in as authentic a manner as possible. The said Minister immediately complied with this request, and has in the inclosed reply most minutely and precisely cleared up the claims of those gentlemen. The Earl of Westmoreland will be convinced from these documents that the claims made by the said missionaries in consequence of losses sustained by them, are not borne out; and for this reason alone, without reference to any other grounds, the claims for compensation of Messrs. Wingate and Smith are totally inadmissible. Further, with reference to the claims made by these gentlemen for the payment of the expenses of their journey, the Imperial Government does not consider itself in any way bound to grant them, as the removal of Messrs. Wingate and Smith from Pesth (as the undersigned had the honour to inform the Earl of Westmoreland on the 19th of April) was caused by their infringement of existing orders, and was quite in accordance with the laws existing in Austria. However, in consequence of the repeated and urgent representation of Lord Westmoreland in favour of the two missionaries, and as their circumstances would appear to admit of it, the Imperial Government, in consideration of this esteemed representation, is ready to contribute to each of the missionaries a proportionate sum (under the head of travelling expenses), provided they are willing to accept the same, upon which point a further explanation is looked for."

On the 17th of June, Lord Stanley wrote, by directions of the Earl of Malmesbury, to the Rev. Mr. Moody, to ascertain through him whether or not the representation of the Austrian Government was a correct one. The despatch was in these words:—

> "I am directed by the Earl of Malmesbury to transmit to you the accompanying abstract of the evidence taken before the authorities at Pesth, as to the losses alleged to have been sustained by Messrs. Wingate and Smith, owing to the sale of their property on their expulsion from that city; and I am to request that you will communicate the same to those gentlemen, and that you will inform them that the Earl of Malmesbury wishes to know what they have to state against the truth of this evidence."

Now, I beg to state to the House that to this requisition no answer has been returned—not a single word. I have now, I believe, touched upon the principal points in this case. I have shown by ample evidence, furnished by the Austrian Government, that, in point of fact, Mr. Edward never was expelled, but that he was treated with gentleness, and that it never, in point of fact, was necessary for him to leave Lemberg at all. Mr. Edward received an order to leave Lemberg, but that order was very shortly after rescinded, and never was reissued to him. With respect to the case of Messrs. Wingate and Smith, there can be no doubt but that a highly-coloured statement of their case was made by the Rev. Mr. Stuart. The Austrian Government fully investigated their losses and their grounds for claims to compensation, and the result of these investigations was that there was no just ground for such compensation. This country was by no means inclined to pass it over. Her Majesty's Government had not taken what the Austrian Government stated as conclusive—they demanded compensation. The Austrian Government had made representations that the amount of compensation demanded was extravagant and unjust. Her Majesty's Government had asked the opinion of the parties on the subject; but neither from Mr. Edward nor from Messrs. Wingate and Smith, had they yet received any answer on the subject. I think the papers laid upon the table call upon the House to acquit not only the present but the late Government neglecting to enforce the claims of those gentlemen. There is no one in this House more ready than I would be to advocate redress for a British subject injured or insulted in a foreign State. I think it is the paramount duty of the Government and of this House to inquire into such cases, and to demand redress if redress be necessary; but at the same time I must say that as the cases now brought before us stand, there is no ground whatever for the House coming to this Resolution—a Resolution that implicates the conduct of the Earl of Westmoreland, whose conduct has been deserving of high praise rather than of censure, and which involves in blame the proceedings of the late as well as of the present Government, both having, I believe, done their duty to the best of their ability, and maintained the honour and the dignity of their country.

VISCOUNT PALMERSTON: It is evident, Sir, from the papers on the table of the House, that the transactions to which they relate between this Government and that of Austria are not yet completely brought to a close. It was obviously necessary that the Government should present the papers as they are, on account of the approaching termination of the Session; but at the same time there are points connected with the matters in dispute which are not clearly established one way or the other. One point is, what was the loss, if any, sustained by Messrs. Wingate and Smith in consequence of their expulsion from Pesth. They claim a certain compensation as the amount of their loss. The Austrian Government have, in their recent communications, assigned their reasons why, in their opinion, no loss has been sustained; but the answer of the parties who complain has not yet been received, and, therefore, upon that point the House is not in a condition to form a judgment. It appears that Count Buol, in a spirit which does him honour, offered to pay a portion, or even the whole, of the expenses of the missionaries, on their return from Vienna, if they were willing to accept it. But this is an offer to which no reply has been received from these gentlemen by the Government, and upon which the House, therefore, cannot now decide.

It appears to me that the Resolution proposed by my hon. Friend (Sir H. Verney) cannot, in the present state of things, be agreed to by the House; for the House cannot affirm what it is not yet in a condition to affirm, nor recommend proceedings which could only be justified in the event of a grievous injury being established, and redress refused. I must, therefore, recommend my hon. Friend to withdraw his Resolution, because it does contain statements indisputably true, and I should be very sorry that the House, in declining to agree to what it ought not to be called upon to assent, should also negative assertions founded upon incontestable facts. It seems to me, therefore, that the most judicious course for my hon. Friend to pursue is to withdraw the Motion. At the same time, I think that my hon. Friend who brought forward this Motion, as well as my hon. and learned Friend the Member for Youghal (Mr. C. Anstey), who originated it, are entitled to the thanks of the House for having brought the question under its consideration.

I think that there cannot be anything more advantageous or more likely to cause the maintenance of peace between this country and foreign nations, and also to extend protection to our fellow countrymen abroad, than that questions of this sort, when the necessity exists, should be brought under the consideration of Parliament. For it is of the utmost importance that Foreign Powers should know that, if they act arbitrarily and unjustly towards British subjects in their dominions, and that even if a British Government should not be disposed, from whatever reasons, to press such matters earnestly upon them in order to obtain redress, yet that there exists in this House a determination to discuss those subjects, and to call upon the Government of the day—whatever Government that might be—to show to Parliament why redress should not be obtained.

Now, Sir, for my own part, I feel bound to say that, though I think a very unfitting tone has been adopted by the British Government throughout the whole of this correspondence; yet I do not think the blame rests with Her Majesty's present advisers. I am of this opinion, because the present Government found this matter launched into a wrong groove, and it would be very difficult, if not impossible, to set the matter right. Another question arises out of this correspondence—another question of grave interest—namely, whether it is not important that, not only this House should take cognisance of these matters, but that this nation should also take cognisance of them.

Sir, I felt it my duty upon another occasion, when a deputation called upon me, when in office, on the subject of measures which the late Government took in respect to certain subjects of Austria who were refugees in Turkey—I say, I felt it my duty, however some may have objected to the course I took, to receive that deputation, thinking that public benefit might arise from public discussion of matters of this sort. I reasoned thus: that if Government were disposed to do their duty, they would be strengthened by the expression of public opinion; and if Government were disposed to shrink from the performance of its duty, they would be urged on by such expressions of the public will. And that the view I took was correct, I think the course of this correspondence very clearly establishes. I am not now speaking of one Administration as distinguished from the other; but it will be seen that the Government became more energetic in its demands in proportion as the case of these unfortunate men was made the subject of discussion in various parts of the country. I think that the whole course pursued regarding them was much to be regretted. Nobody esteems more highly than I do the public and personal character of my noble Friend the Representative of Her Majesty at the Court of Vienna. I am quite sure my noble Friend, individually, never would intentionally have fallen short in the performance of his duty; and in one despatch he said he had acted to the full extent of his instructions, or words to that effect. I am, therefore, inclined to infer that my noble Friend did not on this occasion feel himself at liberty to do that which he was inclined to do, but that some restraint was imposed upon him from a quarter which he was obliged to attend to.

There can be no doubt, Sir, that Messrs. Wingate and Smith were most cruelly and tyrannically treated. What is their case? They resided for ten years in the Austrian dominions, with the full knowledge and permission of the Government—they were in personal communication with the authorities of the province in which they lived—they were pursuing their calling in the open day, and without the least reserve or concealment—they were building a school—nay, they even taught under the same roof, if I mistake not, under which one of the highest authorities of the State resided—they carried on their vocation, in short, without cloak or disguise, with the apparently full consent and permission of the Austrian Government. All of a sudden they are ordered to quit the country at a short notice, in the most inclement season of the year, when in those parts travelling presents great difficulties even to men, but to women and children in a bad state of health it amounts to almost a death-warrant, as in this case it actually proved to one of the children, besides the infliction of severe and protracted suffering. And be it recollected, these men received this order to quit without any cause whatever being assigned. The justification now made is, that they had violated the Austrian law; but, Sir, I think it might reasonably have been expected that the order made to those persons, who had not previously misconducted themselves, and whose conduct had been irreproachable, against whom no political charge was alleged, should have stated what was the charge upon which they were thus summarily and ignominiously expelled. But no charge was alleged against them—they were expelled without cause. Had they violated the Austrian law, it might have been expected from the courtesy of a civilised Government, that well-conducted and respectable inhabitants of a foreign State residing in the Austrian territory would have been told—"You have violated the law of this country, and, if you repeat the offence, we shall be compelled to exercise our authority, and send you away." Had the Austrian Government done so, no complaint would have been made — no just complaint could have been urged. Had the Austrian Government acted in this way, Her Majesty's Government would never have thought of asking for redress.

But it has been said that the Austrian law has been violated. I ask what is the law, and what has been its infraction? It has been asserted over and over again, in the course of this correspondence, by the Austrian Government, that those persons had violated the law; but they never once pointed out either what the law is, or how it has been violated. This is a most remarkable omission; and as regards the violation of the law by these gentlemen, I must confess myself incredulous. It has been said that it does not become the British Government to argue with the Austrian Government in a question of Austrian law. Now that may be, or may not be. I own I am not prepared to assent altogether to the proposition to its fullest extent. But of this I feel sure, that, when the British Government is told that British subjects have violated the law of a foreign country, the British Government is entitled to a plain, distinct statement of what that law is, and in what mode, or by what acts, that law has been infringed. But this does not appear to have been done in the present case. These two missionaries came to Her Majesty's Ambassador at Vienna, and represented the barbarous manner in which they had been treated by the arbitrary dictates of a despotic Government. All they asked was permission to travel out of the territory with their families by easy stages; and I think, if my noble Friend the Earl of Westmoreland was left to his own impulses, he would not be content with such representations as had been made; but would, in the language of an English Ambassador, have asked, "Why have these persons been expelled? What have they done? Show me the law — point out its infraction?" Such questions would naturally have occurred to the representative of England on the part of one of his fellow-subjects, whenever or wherever it might appear that injustice had been inflicted upon him by a foreign Government.

But then the case was taken up by the late Government, and I grieve to say that the despatch of my noble Friend Earl Granville, dated February 17, is one which an Englishman must read with anything but feelings of satisfaction or approval. I do not blame my noble Friend, for the House will recollect that when his predecessor was removed from office — one of the reasons alleged in this House for his removal was, that he had too much confidence in his own opinion, and that he was not sufficiently under the control and guidance of the then First Minister of the Crown. Therefore, it was very natural that my noble Friend, Earl Granville, succeeding to the Foreign Office under these circumstances, and being to a certain extent new to the business of his department, should not have relied very much on his own judgment, but should have rather deferred to that of others; and the despatch to which he puts his name should, in my opinion, be rather considered as the despatch of the Cabinet to which he belonged, than as the despatch of my noble Friend. But I must say, that a despatch upon such a subject—where it appeared that a *primâ facie* case of hardship committed upon subjects of Her Majesty had been made out—a despatch more submissive in its manner, more abject in its tone and substance, it has never fallen to my lot to read. Why, Sir, it seems more like the miserable representations of the population of a Turkish village—men living in the constant fear of the bastinado—against an outrage committed upon them by some powerful and insolent Pacha, than the representation of the Minister of one free and independent State to the Government of another.

The right hon. Gentleman the Chancellor of the Exchequer has read extracts from certain despatches. It is no answer to me to quote what occurs in the subsequent correspondence. I consider the despatch of Earl Granville as having been written under the view of the then existing circumstances—upon the representation made by the parties concerned. Our Government might naturally have reasoned thus: "Here are respectable persons who have lived nearly eleven years under the protection of the Austrian Government; we do not see that they have committed any offence—that they have violated any law—that they have done anything to justify this harsh and oppressive conduct. They have been expelled under circumstances of the greatest hardship, and exposed to a loss of property amounting almost to confiscation." Under such circumstances, one would think that our Government might have made an energetic, if not an indignant, remonstrance: at least demanding explanation, if not redress. But what does our Government do? Why, it contents itself with a bare recital of the facts. The despatch spoke of the "toleration" which had been shown to other States by the subjects of the Austrian Government. But, Sir, this was not a case of toleration at all, but one of expulsion. The despatch seemed to say that, because Austrian subjects were unjustly treated in other countries, and because the subjects of other countries were unjustly treated elsewhere, that, therefore, our Government would abstain from asking for redress from British subjects, exposed, upon their own showing, to great and grievous injury, and would leave it, forsooth, "to the good feeling of the Austrian Government" for the injuries sustained! Now, Sir, I quite admit that, in making an application of this sort to the Austrian Government, especially when we act only on *ex-parte* statements, we ought to use every degree of courtesy, and that our language ought to be moderate; but, at the same time, I humbly venture to say that without any discourtesy to the Austrian Government, when British subjects have been outraged in the manner in which it appears they have been outraged, the despatch to which I have alluded was not of a character much calculated to obtain redress, nor very befitting the honour and dignity of this country.

Well, then, the present Government succeeded, and took up the case, on the grounds which the right hon. Gentleman the Chancellor of the Exchequer has described. I do not blame them for what they have done. Perhaps they could not have done otherwise, But I must say that I am gratified with the result of the publicity given to these discussions, and that the effect of such repeated representations was to stimulate the present Foreign Secretary, and to put a little more force into his despatches; and any one, by looking at the papers on the table of this House, will see that from the time at which those representations commenced, the Earl of Malmesbury became more impressive—a more becoming vigour was shown by the Government—and, eventually, better results were produced.

But, Sir, I say again, it is impossible not to declare that acts of a grossly oppressive nature have been committed towards those gentlemen, who have not, I believe, infringed on any Austrian law. I must say that my opinion is, that those men were so treated, not because of a violation of the law—not upon religious grounds—but because of motives founded on political considerations. This is my impression, from a perusal of the papers on the table of the House; for I again say, if they have violated any law, why was not that law set forth? Religious toleration is spoken of. Why, anybody would suppose, from reading those papers, that the Austrian Government was exceedingly intolerant, and that it was like some of the Governments of Southern Europe which would only permit one religion—the Catholic—to exist in the State. But no such thing appears from those papers; on the contrary, it appears that there were 3,000,000*l.* of Protestants in the very country in which these expelled missionaries were preaching. In Austrian parishes, I have been told, and I believe the fact now is, that where the Protestants predominate, the Protestant clergy receive public compensation, and *vice versâ.* So far from the Austrian Government being intolerant, its example for toleration has been frequently quoted in debates upon the claims of Roman Catholics in this House. I own I cannot see anything in these papers upon which to charge the Austrian Government with intolerance.

But, Sir, the fact was that the Austrian Government was very much irritated by the course of policy which the Government of this country pursued upon several occasions, by various discussions in this House, and many decided manifestations of public opinion in this country, with respect to the unfortunate Hungarian refugees. I am therefore afraid that one must look to the sudden expulsion of British subjects from the Austrian dominions, therefore, not as an indication of religious intolerance, not because these persons had violated the law of Austria, but because of the part taken by the British Government and the British public upon the question to which I have referred. I must confess that this view of the case does not make the conduct of the Austrian Government more worthy, or that of the English Government less reprehensible in the mode which they took of obtaining redress. But when I say this, I am bound also to observe that there are good grounds for hoping that a favourable turn has occurred in the administration of Austrian affairs, and that from such a man as Count Buol more courtesy and a greater spirit of justice from the Austrian Cabinet may be expected towards England. I must say that the spirit of courtesy exhibited by Count Buol in these transactions is highly honourable to his feelings as a gentleman, and to his enlightenment as a statesman.

I have said that the Austrian Government felt irritated at the conduct of the British Government upon a previous occasion. Sir, I believe that Austria herself took a wrong view of her own interest. I believe that the first occasion on which that resentment arose was as regards the policy pursued by the British Government in the affairs of Italy. I venture humbly to think that the Austrian Government would have acted with greater wisdom if they had acted in accordance with the view taken by the British Government of that day as to the possession of Northern Italy; for I feel satisfied that, though Northern Italy may be thought to add to the power of Austria, it may also add to her contingent dangers. I think we may apply to the domination of Austria in Italy what was said by the Latin poet of old:—

> "—— Opposuit Natura Alpemque nivemque,
> Diducit scopulos et montem rumpit aceto."

The same obstacles apply to the domination of Austria in Northern Italy now, that applied to a powerful invader then; and, if I may be allowed to make an application of the concluding line, I would say that the acid system is not one calculated to effect the conversion of the population of Northern Italy, or to make them more docile or better fitted for the Austrian rule. It may be great presumption in me to sketch out any changes in the map of Europe, but I think if the northern kingdom of Italy were to be bounded by Genoa on the one hand, and Venice on the other—and if an arrangement were made by which the Tuscan territories should also extend from Leghorn to Ancona, I think that such an arrangement would conduce to the peace of Europe, to the progress of civilisation, and unquestionably to the prosperity and happiness of the people of Italy. Nor do I think that Austria would have been at all lowered in the scale of nations, either in reputation or power, if she had confined herself to her territorial dominions north of the Alps, for she would then have attained an unity which, in the present state of her dominions, she cannot obtain. I cannot concur with my hon. Friend in voting for this Resolution. I think there are parts of the Resolution premature, even though they should be ultimately borne out. I think great public benefit will be derived from the knowledge which Foreign Governments will obtain of these discussions—that questions concerning the rights and interests of British subjects will be brought under the consideration of this

House if redress be not obtained. I wish it to be distinctly understood that the ground on which I think the House ought to treat the question is, not that the Austrian Government has withdrawn from the missionaries any religious permission which they had given, because we must admit that the Austrian Government has a right, if it chooses, to restrict any such permission which the laws of Austria entitle it to restrict; but that the ground upon which I think the British Government is entitled to complain is, that injuries were done to British subjects residing in Austria, by permission of the Austrian Government, and to all appearance, even up to this moment, guiltless of any offence against the public laws of Austria—guiltless of any crime, of any revolutionary act, of any political offence, of any transgression against society—but that these men were expelled in the most summary, capricious, and unfeeling manner, and thereby subjected to great and undeserved suffering.

Mr. PLOWDEN said, on the last occasion when this subject was under the consideration of the House, it was through his instrumentality suddenly brought to a close, by his calling upon Mr. Speaker to count the House. He assured the House that his adopting that course had no reference to the merits of the case then before it, except that he thought it was deserving a larger attendance of Members and a fuller discussion than it was then likely to receive. He thought the House would thank him for the course he then adopted, since the question had now received a full and most interesting discussion, and had elicited the speeches of the right hon. Gentleman the Chancellor of the Exchequer, and of the noble Lord the Member for Tiverton. As an Englishman, and especially as a Member of Parliament, he could never sanction any species of tyranny or injustice practised towards British subjects in foreign countries without seeking and demanding redress for such acts. He entirely agreed with the sentiments that had just been expressed by the noble Lord the Member for Tiverton on the subject; but he could not, after the explanations afforded by the right hon. Gentleman the Chancellor of the Exchequer, and the speech of the noble Lord the Member for Tiverton, altogether concur in the wording of the Motion; and he begged to express a hope that the hon. Baronet would adopt the recommendation of the noble Lord (Viscount Palmerston) and withdraw it.

Viscount Palmerston

Mr. HUME said, he was constrained to confess that he did not approve of the course which the last speaker had taken. The question ought to have been discussed long ago, and then there would have been fewer excuses for the manifestations of feeling which had taken place on this subject. The statement of the hon. and learned Member for Youghal (Mr. C. Anstey) ought not to have remained unanswered so long, particularly when such an answer could be made to it as that which they had heard that day from the right hon. Chancellor of the Exchequer, who had shown that the application by the English Government for redress had been made in a becoming manner, and had been met in a corresponding spirit by Austria. He regretted the strong way in which this question had been taken up, especially in Scotland, as he must say, after the explanations which had been given, they could not help viewing it in a much more moderate aspect than formerly. He did not agree with the noble Lord the Member for Tiverton (Viscount Palmerston) in thinking that the despatch of Earl Granville to which he referred was abject; and he thought nothing better could have been done than to leave the case to the Austrian Government's sense of justice; Nevertheless, he agreed that questions of this nature should at all times find a ready discussion in that House; and while he was satisfied with the manner in which the matter was now being handled, he by no means regretted that it had been brought so prominently before the House and the country.

Lord DUDLEY STUART said, he was also exceedingly glad that this discussion had taken place; but they ought in justice to the hon. and learned Member for Youghal, to remember that it was to the perseverance of that hon. and learned Member that they were indebted for the discussion. The country would never have been satisfied upon this subject had this discussion not taken place; for the people of England could not understand why people should be driven from their established homes for simply preaching the Gospel. When Hungary was up in arms, these missionaries abstained from performing Divine worship altogether, rested from their labour, while, upon all occasions, whether in time of peace or war, they had been scrupulously careful to observe the laws of Austria under which they were living. He concurred with all that had fallen from the noble Lord the Member for Tiverton, and regretted that he was not now at the head of the Foreign Affairs of this country. It was worthy of remark that these complaints of the treatment of British subjects by foreign nations had greatly increased since the noble Lord had left office; and he was satisfied the noble Lord's speech to-day would be received with delight from one end of the conntry to the other. The tone of the Government upon foreign matters seemed to have undergone a wonderful change since the end of last year, and the consequence was, foreign countries had taken advantage of it to be insolent and oppressive. He thanked the hon. Baronet (Sir H. Verney) for bringing the question before the House on the present occasion, and he hoped that he would follow the advice given to him by several hon. Gentlemen, and withdraw the Resolution for the present.

SIR HARRY VERNEY said, in consequence of the explanations of the right hon. Gentleman the Chancellor of the Exchequer, and at the request of his (Sir H. Verney's) Friends, he would beg to be allowed to withdraw the Motion. He must, however, deny the statement of the hon. Member for Montrose (Mr. Hume), that there had been anything like exaggeration. The hardships suffered by these men had been far beyond anything detailed to the House. Since their departure the circulation of the Bible had been stopped in the Austrian dominions, though there were 3,000,000 of Protestants in that country. The Resolution of the hon. and learned Member for Youghal (Mr. Anstey) was not stronger than he should have wished to propose himself. Their duty was to assert the right of their fellow-subjects to liberty in whatever country they might be residing.

Motion, by leave, *withdrawn.*

ELECTION CHARGES.

MR. STANFORD: Sir, I wish to say a few words in support of the Motion I am about to offer to the consideration of the House, lest it should be thought presumptuous in me to move for a return of this nature, when there are so many older and more experienced Members of this House, by whom such a duty could no doubt be more properly performed. I have not undertaken the task without first consulting a great number of Members, all of whom have agreed that such a return would be extremely useful; but there is a strong repugnance, nevertheless, on the part of hon. Gentlemen to move in the matter, lest they should make enemies in such an influential quarter. None deny that the most gross extortion is practised by the underlings of the returning officers; for though the returning officers, namely, the Sheriffs and Mayors are responsible, they leave the matter entirely to their deputies, and I believe know nothing of the illegal practices of their "employés." Some have resisted these exactions. The hon. Member for Birmingham (Mr. Muntz) successfully disputed them in a court of law. The hon. Member for Lincoln (Mr. T. Hobhouse) did so when Member for Aylesbury; but, as a general rule, few like to do so. I do not move for the return for my own benefit, having, through inexperience, paid the charges made upon me, though I have every reason to believe many of them were illegal; but I do it from a wish to expose the gross extortion practised upon candidates by these underlings of the returning officers, and to check as far as possible all corrupt practices at elections—a subject which the House has dealt with in a way this Session, and which all parties affected great anxiety to compass, but I have not been convinced of the sincerity of any one of them. It is high time that the whole system were purified, and it is evident nothing can be done whilst the very officers appointed under the Reform Act are themselves guilty of corruption, and go unpunished. The corrupt practices resorted to and encouraged at elections, in order to get a seat in this House, and the slavish and unscrupulous adherence to party insisted on if you wish to retain it in quiet, must tend to prevent honest men, who reflect at all, from being candidates for Parliamentary honours. Sir, the part I have taken in this House in endeavouring, as far as in me lay, to expose and check corrupt practices, will no doubt be visited upon me, and I may in consequence be denied the honour of appearing in this House in the next Session; but my sense of duty and what is right, enables me cheerfully to incur this risk, for I will never, to secure any object, however coveted, sanction corrupt practices of any kind, or become the obsequious and convenient tool of any party, Whig, Radical, or Tory. I beg, Sir, to move for the following Return:—

Motion made, and Question proposed—

"For a Return of all Charges actually made by the Returning Officer, or by his Deputy, or by the Clerk of the Peace or Town Clerk, or by any other Officer employed under the provision of the Act 2 *Will.* 4, c. 45, of each County, City, and Borough in England and Wales, upon each Candidate at the General Election of 1847 for such County, City, and Borough; distinguishing Charges made on such Candidates as did not go to the poll, and at any time subsequently at any vacancy for any County, City, or Borough, during the present Parliament."

Mr. HUME said, the legal charges of the Sheriff were very small. It rested with hon. Members to see that they were not exaggerated. It certainly was desirable that some means should be adopted of checking these accounts. Members ought to be returned free of expense, coming forward as they did to fulfil a public duty. He had on a former occasion made a proposal to that effect; and until it was carried out, there would be no remedy for the existing charges. It would be the best course, at the ensuing election, for candidates to ascertain what were the legal expenses, and refuse to pay anything beyond.

Motion *agreed to.*

CHICORY.

The CHANCELLOR of the EXCHEQUER moved that the House at its rising adjourn until One o'clock To-morrow.

Mr. H. BERKELEY said, that having presented to the right hon. Chancellor of the Exchequer a memorial from grocers and dealers in Coffee, he felt it his duty to enter his protest against the Minute of the Treasury on the subject of Chicory being rescinded in the face of two majorities of that House. The question was an important one, materially affecting the great body of Coffee-dealers in this country, and he therefore hoped that the right hon. Gentleman would not, at that late period of the Session, when there was no opportunity of obtaining a decision of the House on the subject, persist in rescinding the Minute of the Treasury.

The CHANCELLOR of the EXCHEQUER said, he received yesterday a memorial from all the eminent Coffee-dealers and grocers in London—from almost every great house in the trade—in favour of rescinding the Minute; but, as he had before mentioned, the Minute was not rescinded; and before the Government rescinded it they would have to consider the representations made to them by various classes, and particularly by the growers of Chicory in this country, whose claims to the consideration of the Government were superior to those of the class whose interest the hon. Gentleman advocated.

Mr. HUME thought it would be satisfactory to the House to hear from the Government that they would do nothing in the matter until the new Parliament had an opportunity of discussing it.

Colonel THOMPSON said, that hearing the sound of Chicory, he begged to say that he had a memorial in his pocket which he was to present to the right hon. the Chancellor of the Exchequer, from 100 grocers of Bradford against the rescinding of the Minute. He had not believed there were so many grocers in the town, and he thought the number collected must be decided proof of unanimity.

Motion *agreed to.*

The House adjourned at Four o'clock.

HOUSE OF LORDS,

Wednesay, June 30, 1852.

Minutes.] Public Bills.—1ª Suitors in Chancery Relief (No. 2).

3ª Consolidated Fund (Appropriation).

Royal Assent.—Industrial and Provident Societies; Turnpike Trusts Arrangements; Scutch Mills for Flax (Ireland); Burghs (Scotland); General Board of Health; Disabilities Repeal Representative Peers for Scotland Act Amendment; Passengers Act Amendment; Poor Law Commission Continuance (Ireland); Differential Dues; Militia; Trustees Act Extension; Enfranchisement of Copyholds; Property of Lunatics; School Sites Acts Extension; Bishopric of Quebec; Colonial Bishops; County Courts Further Extension; Navy Pay; Appointment of Overseers; Hereditary Casual Revenues in the Colonies; Corrupt Practices at Elections; Protestant Dissenters; Pharmacy; New Zealand Government; Turnpike Acts Continuance; Poor Law Board Continuance; Inland Revenue Office; Savings Banks (Ireland); Excise Summary Proceedings; Woods, Forests, and Land Revenues; Valuation (Ireland); Metropolitan Sewers; Friendly Societies (No. 2); Crime and Outrage (Ireland); Incumbered Estates (Ireland); Distressed Unions (Ireland); Common Law Procedure; Secretary of Bankrupts Office Abolition; Militia Ballots Suspension; Militia Pay; Nisi Prius Officers; General Board of Health (No. 2); County Rates; Commons Inclosure Acts Extension; Master in Chancery Abolition; Thames Embankment; Holloway House of Correction.

THE CASE OF MR. MATHER.

The Earl of MALMESBURY: My Lords, in laying on your Lordships' table the conclusion of the correspondence respecting the assault on Mr. Mather, I have great satisfaction in informing your Lordships that our dispute with the Court of Tuscany has been entirely and satisfactorily settled. We owe this result to the ablity and tact of Sir Henry Bulwer, who, as your Lordships are aware, arrived three weeks ago at the Court of the Grand Duke of Tuscany. Having found the negotiation in a very difficult position, Sir Henry Bulwer, with his usual talent, so gained the confidence and good will of that Court, that he has obtained from them, in the most explicit manner, the recognition of the principle which Her Majesty's Government throughout these negotiations have insisted upon, namely, the recognition on the part of the Government of Tuscany of its liability to protect British subjects according to the international law of independent States. In addition to that recognition he has received from the Duke of Casigliano, the Minister for Foreign Affairs of the Government of Tuscany, a complete, unequivocal, and satisfactory expression of regret at all that has occurred during this disagreeable dispute. I cannot sufficiently praise the ability and tact which Sir Henry Bulwer has shown in this business, for he has concluded it by leaving our respective Courts upon such an amicable footing that at no time have our relations with the Court of Tuscany been more completely friendly than they are at this moment.

THE ANCIENT LAWS AND INSTITUTES OF IRELAND.

LORD MONTEAGLE said, that when he first gave notice of his intention to move for the "Report of the Commissioners appointed to inquire into the Ancient Laws and Institutes of Ireland," he had believed that very interesting paper to have been laid before the House of Commons only. He subsequently found that it had been moved for in the House of Lords by the Vice-President of the Board of Trade (Lord Colchester). His Motion in its original form was therefore unnecessary; but to bring himself within the rules of order, he should move for copies of any subsequent communications addressed to the Government, on the subject of that Report. The object he had in view was to invite his noble Friend opposite (the Earl of Derby) to communicate the intentions of the Government on a subject which, though free from party interest, was of great public importance to all who were desirous of elucidating our early laws, history, and manners. It appeared from the Report that a most valuable collection of the ancient Irish Brehon laws had been made in Ireland by the eminent philologist, Edward Llwyd; this collection passed into the hands of the late Sir John Sebright, by whom it was presented to Trinity College, Dublin. The suggestion which led to this gift is said to have come from Edmund Burke, whose high authority was thus given to an undertaking which he considered important both on literary and historical grounds. Burke had in other cases also, as well as his contemporary, Flood, manifested a desire that the ancient records of Ireland should be made accessible to students. There were collections of the same laws preserved at the Bodleian and the British Museum. A fourth collection had also existed at Stowe, made for the late Duke of Buckingham by Dr. O'Connor, and now the property of Lord Ashburnham. He might be permitted to observe in passing how much the literary world owed to the Duke of Buckingham for having printed, at his own expense, the four volumes of the *Rerum Hibernicarum Scriptores*—which he was enabled, on the high authority of his late right hon. Friend Sir James Mackintosh, to describe as one of the most interesting and important records existing. These literary treasures were thus scattered, unedited, and not available for any practical purposes whatever. A representation of these facts was made to his noble Friend Lord Clarendon, when Lord Lieutenant, who, with the assent of Lord John Russell's Board of Treasury, named two distinguished ornaments of the Irish University, Dr. Todd and Dr. Graves, to inquire and to report on the subject. It appeared that these laws were most curious, and of high antiquity. The MSS. in Dublin go no further back, it is true, than the early part of the 14th century. But the laws themselves attain a much higher antiquity; being traceable to Cormac in 908, and containing proofs of having existed so far anterior as in the 5th century. On these MSS. the Commissioners report—

> "Apart from their mere antiquity, these laws are possessed of considerable interest to the historian and jurist. They lay down the privileges and duties of persons of all classes; they define the tenure of land and the rights of property of all kinds. In a word, they furnish a perfect picture of the society which they were designed to regulate, from the constitution of the kingdom, and the relation subsisting between the Sovereign and the provincial kings, down to the minutest details of domestic life among the serfs."

What he wished his noble Friend to consider was the importance of losing no time in carrying out the recommendations of the Commissioners by undertaking the collation and publication of these early laws, at the public expense. Already the Anglo-Saxon and the Welsh laws had been so dealt with. The present opportunity was one of peculiar importance, which should not be neglected or lost. There were several learned men now living, who were capable of executing the duties of transcribers and editors; but the Commissioners state that "death and emigration were fast removing the number of persons so qualified." He was aware that on the part of some who, to him, appeared not only prejudiced but shallow reasoners, there was felt some apprehension that the publication of these ancient records might stimulate national feelings of restlessness and discontent. He did not participate in what he considered so weak and irrational an alarm. But on this subject he should take the liberty of reading an extract from the Report itself, which would serve to remove these fears, wherever they might be found to exist. For himself he needed not any confirmation of what he considered an undeniable principle, namely, that the publication and diffusion of truth could not be other than useful in all cases, and without any exception. The Commissioners took special but not inconsistent grounds. They state—

> "There are some circumstances which would render the publication of these ancient laws peculiarly interesting in the eyes of the politician. It is not improbable that the habits of thought and action prevailing amongst the native Irish are reflected in the laws which they framed for themselves before they were affected by foreign influences, and to which they continued to cling with obstinate tenacity, even for centuries after they had been compelled to submit to British rule. The Brehon Laws were actually appealed to so late as the reign of Charles I. We must not, therefore, be surprised to find some traces yet remaining of their effect upon society.
>
> "We would also suggest that good results would be obtained by exhibiting the real state of this country at a remote period of its history. It would then be found that false or exaggerated notions have been entertained of the well-being of society and the advancement of civilisation in early times. Ireland never enjoyed a golden age. It would be more true to say, that she suffered for many ages under an iron feudalism, which administered essentially different laws to the rich and to the poor. Ignorance on this head has certainly created in some minds an unreasonable dissatisfaction with the present order of things, and a perverse disposition to thwart the efforts of those who are doing their utmost to ameliorate it. Nothing could be more efficacious in dispelling such morbid national prejudices than a complete publication of the ancient Irish laws."

But he had other authorities in favour of the suit which he urged on his noble Friend: men of the highest eminence, abroad and at home, Hallam and Macauley, Lord Mahon, M. Guizôt, Professor Ranke, and Professor Grimm of Berlin, had all expressed the strongest opinions on the subject. Mr. Hallam says—

> "The publication of the Irish laws as a national undertaking, would be honourable to our Government; and in a literary view, such a publication would be of high value. Laws do more to give a knowledge of society than brief chronicles or suspicious tradition."

M. Guizôt says—

> "I consider that the publication of the ancient Irish laws is of the highest importance to historical knowledge, not only in your country but throughout Europe. These laws are at once the most ancient and the most recent records of the civilisation of early European sociey; because they rise to an earlier epoch, and have existed in vigour to a later period than any other collection of the same kind."

He regretted that he had not on this occasion the assistance and support of a noble Friend of his, the Earl of Rosse, the President of the Royal Society, whose high character in literature and science would give weight to the application he ventured to urge. But he was entitled to say, that he had that noble Lord's hearty concurrence. He had already observed that the Commission had been issued under the authority of Lord Clarendon, and of Lord John Russell's Government. The report was made, however, after the change of Administration, to the present Lord Lieutenant, the Earl of Eglintoun, and was recommended by that nobleman to the favourable consideration of the present Treasury. He, therefore, hoped that his noble Friend (Lord Derby) would complete the work well began by his predecessors, would attend to the recommendation of his own political Friend, that he would gratify the men of letters in Ireland and in this country, and would also make to historical students throughout Europe a gift which they would receive most thankfully. He had looked with anxiety to see a vote proposed to Parliament for this creditable object. None such, had however, been taken; and the Appropriation Act was now on the table, and was about to be read a third time that night. But his noble Friend was doubtless aware (though not long connected with the Treasury), that he had contingent funds at his command that might be employed in this service, and they could not be employed in a better one. With these closing observations, he would ask his noble Friend whether he had considered the report addressed to Lord Clarendon by Dr. Todd and Dr. Grace, on the subject of the ancient Irish manuscript laws, and whether he was disposed to recommend their publication at the public expense? The noble Lord concluded by moving—

> "That there be laid before the House, Copy of the Report of the Commissioners appointed by the Lord Lieutenant of Ireland to inquire concerning the ancient Laws and Institutes of Ireland: and also, Copy of the Letter from the Chief or Under Secretary for Ireland forwarding the same to the Lords Commissioners of the Treasury."

The EARL of DERBY admitted that the subject to which the noble Lord had referred was one of great interest, and he might say of no inconsiderable importance; but, in consequence of the pressure of business during the Session, he had not been able to give that attention to the subject which it deserved. After the prorogation he and the Government would turn their attention to the subject, in the hope of being able to attain the object which his noble Friend had in view. With regard to the Motion now made by his noble Friend, he believed—indeed, he was sure—that no further communications had taken place since the production of the report.

LORD MONTEAGLE, after the statement just made, would withdraw his Motion leaving the matter with confidence in the hands of his noble Friend, whose reply was as favourable as under the circumstances he had any right to expect.

Motion (by leave of the House) *withdrawn.*

BUSINESS OF THE SESSION.

LORD LYNDHURST: Shortly after the formation of the present Government, and, I believe, before my noble Friend took his seat in this House as the head of the Government, I took the liberty of bringing under the notice of your Lordships many important questions which were to be dealt with, as well as the state of private business and the state of the judicial business, a vast arrear of which was pending. I thought it my duty on that occasion to go through in detail the various measures then before Parliament, calling on your Lordships strongly to oppose that cry which had been raised for an immediate dissolution, as that, I felt, would deeply affect the public interests, and be most injurious to many private individuals. I spoke of those measures requiring legislation at the time so much in detail, that it is quite unnecessary for me to refer to that statement again: it is sufficient for me to say that every one of those measures is now the law of the land. I may further state that, in addition to the measures to which I then called your Lordships' attention, there are others, of very considerable importance, which have also become part of the law of the land. The only measure to which I shall at all particularly refer, is the constitution granted to New Zealand. I refer to that merely for the purpose of stating that not only has great benefit been conferred on that particular colony, but in the Bill granting that constitution principles have been laid down applicable to other colonies, which will, no doubt, have the effect of removing the dissatisfaction and discontent that have so long prevailed among them. I referred to the private business then before Parliament. It happened to have accumulated to a very large extent. The greater portion of that business, involving property to an enormous amount, by the unwearied assiduity of my noble Friend who presides over the Committees of this House (Lord Redesdale), has been completely disposed of. With respect to the judicial business of the House, I stated on the former occasion to which I have referred, that a delay of justice was in many cases a denial. That business is almost entirely completed. There is scarcely an arrear of appeal now on your Lordships' table. Referring to what I formerly said, I have thought it my duty to come down to the House for the purpose of making this statement, and congratulating the country on the course pursued by my noble Friend at the head of the Government. I thank my noble Friend for the firmness with which he resisted those repeated attacks which were made—those clamours which were raised, on account of his resisting the cry for an immediate dissolution. It was of the greatest importance to the country that the proceedings to which I refer should have taken place. I may venture to say, further, that, during the four months that have elapsed since my noble Friend came into office, Bills of greater importance have passed your Lordships' House, than have passed during any Session since the commencement of the present Parliament; and I am sure my humble thanks, and the thanks of the country, are due to my noble Friend for having resisted the clamours that were raised.

Lord BEAUMONT said, the noble and learned Lord had congratulated the House on so many Bills having passed: but he perceived that there was one Bill in which the noble and learned Lord might be supposed to have a deep interest, which was not likely to become a part of the law of the land—he meant the Parliamentary Proceedings Facilitation Bill, which he believed was introduced by the noble and learned Lord himself. That Bill was intended to prevent the great crush of business which usually accumulated in their Lordships' House towards the close of a Session; and the present Session had not been an exception in respect to that accumulation; for at the last sitting but one of that House no less than thirty-six public Bills proceeded through one stage or another. Now, that, he (Lord Beaumont) thought, was scarcely a creditable way of considering the public business. Many of those Bills were of the utmost importance. Some of them contained an immense quantity of details. Many of them involved important interests, both public and private. There was the Metropolitan Burials Bill, which involved interests of that description. Many of these Bills, if they had been brought to that House at an earlier period of the Session, would have been referred to Select Committees; and he had no doubt that, if they had undergone that process, they would have been materially improved. The state of the Session had unfortunately prevented the House from adopting that course; and he had, therefore, almost a right to conclude, or, at all events, he had cause to be afraid, that many of those Bills would become the law of the land in a very imperfect state. Many of the Bills, on the passing of which the noble and learned Lord had congratulated the House, had only recently passed through the House; there was no doubt then, that in consequence of the dissolution of Parliament being so imminent, those Bills could not have received that mature consideration which ampler time would have permitted their Lordships to bestow upon them. He did not, however, deny that great and useful measures had been adopted by Parliament during the present Session, and that many important Bills had been well considered and much improved in their course through either House. But he did not think that the circumstance of both Houses having done their duty was any matter of congratulation, or any matter of just compliment to the Government. If any compliment was due, it was due to both Houses for having transacted their business. But could it be supposed that the Houses would not have equally done their duty if there had been a dissolution at an earlier day, and a new Parliament had been called at an earlier period? He had no doubt that another Parliament would have done its duty equally as well as the Parliament then sitting. The whole of the compliment, therefore, if any was due, was due merely to an expiring Parliament, for the manner in which it had conducted its business. In the House of Lords and in the House of Commons, the Government had, over and over again, declared that they were in a minority. The Houses had, therefore, acted with leniency, and shown great forbearance towards Ministers in permitting them to continue with a Parliament in which they had not a majority, and allowing them to proceed with the Bills to which the noble and learned Lord had alluded. There was no credit whatever due to the Government for what they had done. The credit belonged to the Parliamentary majority, for it was owing to the conduct of that majority that the Bills had become the law of the land. The compliment was due to the Opposition and not to the minority. Therefore, whilst joining with the noble and learned Lord in saying, that great and important measures had been passed during the present Session, yet he must claim for the majority, and not for the minority, for the Opposition, and not for the Government, the credit of that result.

Lord LYNDHURST explained, with respect to the Bill to which the noble Lord had referred as involving a matter personal to himself, that to the question why he had not taken steps for passing that Bill in the present Session, the answer was most simple—the Bill did not apply to a new Parliament; it would not have applied to the next Session; therefore, he thought it better to postpone it to the next Parliament. So much for that. With regard to the other topics adverted to, if the noble Lord would only calculate a little, he would find that if Parliament had been dissolved, it would have been impossible for it to have met for the despatch of business at such a time as would have allowed it to pass one half of the Bills which would now be the law of the land. The noble Lord, as it seemed, had understood him to say that the present Government were entitled to the merit of the measures passed. He thought he could make out a case satisfactory even to the noble Lord. His compliment to the noble Earl at the head of the Government was for the noble Earl's firmness in resisting the attacks made on him to induce a dissolution of Parliament, and for proceeding with measures which otherwise would have been hung up till the next Session. He did not deny the merit due to the other House of Parliament, and also the merit of this House, in having passed those Bills. He never meant to deny that he thanked his noble Friend for himself, and in the name of the country, for the firmness of the course he pursued. His noble Friend was, he thought, well entitled to the thanks of the country.

LORD BROUGHAM said, that his noble and learned Friend on the woolsack was entitled to great praise for the manner in which he had urged forward the great measures of law amendment to which the noble and learned Lord opposite had referred. He had never hesitated to express his opinion as to the great merit of the Government in reference to the measures of law reform—he had so expressed himself only two days ago, when the most important of those measures was before their Lordships. At the same time, his noble and learned Friend must admit that the merit of originating these measures belonged to the Commission appointed by the late Government, and, he would add, to the late Government itself; for though his noble and learned Friend and himself had a discussion with the late Lord Chancellor on the subject at the beginning of the Session, and had expressed their surprise at, and discontent with, the delay which had occurred in carrying into effect the recommendations of the Commissioners according to the intentions of the Government as announced in the Speech from the Throne, he would take upon him to say, that there had been a complete understanding come to in consequence of that discussion commenced by his noble Friend (Lord Lyndhurst), and himself, and that the apparent discrepancy of which they had complained, between the Members of the Government in the two Houses, having been speedily removed, the resolution was fully come to, that the most effectual steps should be taken for preparing a Bill or Bills to carry into effect the recommendations of the Commission. That little progress had been made in the formal preparation of those Bills by the late Government, he admitted; but much more progress had been made than was supposed. At all events, the measures which were suggested by the Commissioners, and adopted by the late Government, had been taken up and adopted by his noble and learned Friend opposite (Lord Lyndhurst), and by his noble and learned Friend on the woolsack, fortunately, with his accustomed perseverance and vigour, and he had, as might be expected, proved an effectual workman, and drawn Bills in accordance with the recommendations of the Commissioners; the result was, that most of those recommendations would now become the law of the land. For these great legal reforms the country had to thank the late as well as the present Government; but the credit of the measures themselves was mainly due to the labours of that most able and enlightened body of men who composed the Commission. To them were owing measures which, by, he trusted, a very slight anticipation, his noble and learned Friend had said were now the law of the land. But here he must pause to remark, that in every branch of human improvement, whether in science, in arts, or in other departments, the progress appeared ever to be gradual; for the sciences, his noble and learned Friend (Lord Lyndhurst), an old mathematician, well knew there was hardly any exception to the rule other than the discovery of logarithms; and certainly the progress of political science fell peculiarly within the rule. So of this great measure, their Lordships would find that above ten years ago it was not merely shadowed out, but in great part described, in the answer of certain of the Masters in Chancery to Lord Langdale's inquiry touching the proper method of reforming the Court of Chancery. The letter of his (Lord Brougham's) hon. relative contained the suggestion, of the very plan now adopted, in which Lord Langdale entirely concurred. Again, the subject was broached in their Lordships' Committee last Session on the Masters' Bill, of which he (Lord Brougham) had the honour to be chairman. The subject would be found to be fully discussed in the evidence there taken six months before the Commissioners framed their Report. But far be it from him to doubt for a moment that to the Commissioners and the late and present Government the country owes this great improvement, for which it never can be too thankful. He only wished to note how long a period had elapsed between the first proposal and the final adoption of the plan.

LORD LYNDHURST was understood to explain the sense in which he spoke of measures brought in by the Government and passed being the law of the land. With respect to those great questions of Chancery reform, he begged to call the attention of their Lordships to the fact that, when it was stated in the other House of Parliament that one of the necessary measures to be passed before a dissolution was the Bill which had been mentioned, a shout of derision was raised, and a great deal of humorous observation was made about "putting Parliament into Chancery," as if it were perfectly impracticable, in the opinion of Members of that House, that the measure could be passed this Session. Referring to the opinion, as far as he could collect it, of the noble and learned Lord lately on the woolsack, with respect to the recommendations of the Commission, he owned he did really suspect at one time that the measure was not likely to pass during the present Session. But his noble and learned Friend now on the woolsack, notwithstanding that he was labouring under severe indisposition, setting his shoulders to the wheel, entered on the question with so much activity and intelligence, and with such mastery of his subject, being also a very skilful draughtsman, that, owing to that activity, diligence, and intelligence, the Government succeeded in passing those most important Bills.

LORD BROUGHAM observed, that his noble and learned Friend lately on the woolsack (Lord Truro) had entertained objections to some of the recommendations of the Commissioners; but when he had arrived at an understanding with the rest of the Government as to the amendments to be adopted, he instantly took steps to carry through the measure, to the best of his ability, and with the utmost of his industry, which was unsurpassed. That he would have carried those reforms into effect, and that had he remained in office, they would have been the law of the land before now, there could be no manner of doubt. When his noble and learned Friend (Lord Lyndhurst) expressed doubts how far the late Chancellor originally agreed with the Report of the Commissioners, it might be observed that others as well as he had been converted by fuller discussion to embrace the plan now so universally approved. If he mistook not, his noble and learned Friend on the woolsack had shown this exemplary candour among others, of whom he should mention his right hon. and learned Friend Vice-Chancellor Turner, who, when examined in their Lordships' Committee last Session was adverse to the plan, but became, upon fuller inquiry as a Commissioner, one of its most zealous and he (Lord Brougham) need not add, most able supporters.

LORD LYNDHURST expressed his conviction that the late Lord Chancellor, when he made up his mind as to the propriety of any measure, would, by the application of his intelligence, and in consistency with his honourable character, use every exertion to carry such measure into effect. His (Lord Lyndhurst's) only doubt arose from what passed in that House. He was by no means satisfied that the noble and learned Lord had made up his mind. But he was sure that, when the noble and learned Lord had done so, no sacrifice of time, no sacrifice of patience, would have prevented the noble and learned Lord from doing his utmost in carrying that measure into effect. There was not a person of more integrity, honour, and steady perseverance, than that noble and learned Lord.

EARL GREY observed, that at the time the noble and learned Lord was said not to have made up his mind, he had not, if he (Earl Grey) recollected rightly, been for forty-eight hours in possession of the important Report on which he was called upon to give an opinion. It would have been impossible to do the subject justice, without a proper time for deliberation.

The EARL of DERBY: My Lords, I am not very willing to add anything to this conversation; yet it is impossible for me, after what has taken place, to abstain from expressing my grateful thanks to my noble and learned Friend behind me (Lord Lyndhurst) for the testimony which he has borne to the public utility of the course which has been pursued by Her Majesty's Government during the present Session. But, my Lords, I think it would be exceedingly ungrateful, both to your Lordships and to the other House of Parliament, if I were to accept the compliment which my noble and learned Friend has paid to myself and to the other Members of the Government, without at the same time admitting, in the frankest and most unequivocating manner, that, for the success which has attended the measures which we have thought it our duty to press upon the attention of the Legislature, we are, in great measure, indebted to the absence of party spirit, both in this and in the other House of Parliament, which has eminently characterised the discussions of the present Session, and to the fairness with which our measures have been received both here and elsewhere, and without which it would have been exceedingly difficult for us to have carried our measures within the time allotted for the duration of the Session. And, my Lords, I think that if Her Majesty's Government are entitled to any of that merit for which my noble and learned Friend has given us credit, we are entitled to it especially for this—namely, for having resisted the importunities from various quarters, urging upon us, in the most vehement manner, to dissolve Parliament, at a time when it would have been exceedingly convenient, personally, to ourselves, to dissolve; but when we were restrained from adopting that step, and advising Her Majesty to take that course, by the consideration that, however convenient it might be to us, personally, to have a dissolution of Parliament at that moment, it would have entailed upon the country the great inconvenience of the postponement of many useful measures which we thought it to be our bounden duty to attempt to carry into law. My Lords, when I had the honour of addressing this House upon assuming the office to which Her Majesty appointed me, I specified certain measures which I admitted to be of paramount importance, and which I thought it was urgent or desirable, at all events, if not absolutely necessary, to pass into a law before appealing to the country by a dissolution of Parliament. My Lords, first and foremost among those measures I placed the contribution to the national defences of the country, involved in the passing of the Militia Bill—admitted by the late Government, and admitted by the present Government, to be a matter of imperative necessity; as next in importance, I referred to those great legal reforms for the suggestions of which we are, no doubt, indebted to the labours of the Commission appointed by our predecessors, but for the whole of the arrangements of which, and for the whole machinery upon which these Bills were founded on the Reports of the Commission, we are mainly, if not altogether, indebted to the activity, and zeal, and knowledge which were brought to bear upon the subject by my noble and learned Friend who has just left the woolsack (Lord St. Leonards). My Lords, in passing I must say—although I do not wish to draw any contrast whatever between ourselves and our predecessors, nor deprive them of any credit for their good intentions in pressing those measures on the consideration of Parliament—I must be permitted, in consequence of what has fallen from the noble Earl, to say that while he takes credit to the late Lord Chancellor for great prudence in having abstained from giving his opinion within forty-eight hours after having received the Report of the Commission—admitting the fact to be that the late Lord Chancellor up to that moment had not made up his mind—yet I must at the same time be permitted to remind your Lordships that it seems rather singular, and somewhat inconsistent, that there should be a declaration in Her Majesty's Speech from the Throne expressing a determination on the part of the late Government to introduce measures founded upon the Report of the Commissioners, if the late Lord Chancellor at the time had not made up his mind whether it would be in his power to support those measures. And while I frankly admit that the credit of the measures themselves is due to the labours of the Commissioners, I must repeat that with regard to these measures, when we came into office there was not a single step taken towards bringing them into practical effect—there was not a single clause of the Bill drawn up. My Lords, in addition to the Militia Bill and those important legal reforms, with respect to which we had the testimony of the noble and learned Lord, the late Lord Chancellor, when he said that the magnitude and importance of the legal measures just passed would make the present Session memorable in the history of this reign and century—in addition to this, he thought it was of the utmost importance that no longer delay should exist in carrying into practical effect measures for extending representative institutions to one of our distant colonies, with regard to which, he said, if no measure had been passed, matters, in his opinion, would have been left in the most unsatisfactory position. Beyond this, we felt it was a matter of urgency and importance, if it were possible to do so, to introduce and carry through Parliament those measures which have been so long and so anxiously desired by this great metropolis;

namely, measures for contributing to the health and comfort of its inhabitants, by promoting a system of extra-mural interment of the dead, and by improving and increasing the supply of water to the metropolis. My Lords, I stated at the commencement of the Session that we were desirous of abstaining, as far as possible, from all topics of a party or controversial character; and, if we deserve credit for anything, it is for having justly estimated that degree of public spirit which we believed would prevail both in this and the other House of Parliament, and for having believed that they would permit us to act upon the principle which we had announced, namely, of refraining from urging forward those measures which might lead to controversy, and inviting them to join with us, regardless of party considerations, in pressing forward those great measures which, apart from everything not imperatively called for by the good of the country, involved the military defences of the country, the promotion of vast improvements in the courts of law and equity, and provided for the sanitary welfare of the country. My Lords, I am happy to say that the House of Commons and your Lordships' House have fully justified the estimate which we formed of the public spirit of the Legislature. And although the expectation that it was possible to pass all those Bills, nay, I might almost say the possibility of passing any of them, was treated, in most instances, with a species of contemptuous ridicule, we have the satisfaction of seeing, at the close of one of the shortest Sessions on record, that not one of these great objects remains unaccomplished; and if this Government should cease to exist from the day upon which I am speaking, it will be a source of unfeigned congratulation and satisfaction to me, that the four months during which we have held office, have been marked by the passing of measures as important and as beneficial to the public interest, as have been passed in any previous Session under any Administration, however strong, and however powerful. But, my Lords, I must be permitted to say one word with reference to what fell from the noble Baron (Lord Beaumont) opposite, with regard to the credit which is due to the late Government. I hope that I have given credit where credit is due to the forbearance which characterised this and the other House of Parliament. But when he speaks with regard to the Government being notoriously in a minority in this and the other House of Parliament, the noble Lord will allow me to remind you that with regard to all those questions, the success which has attended them has not been owing to the forbearance of the supposed majority in expressing their opinions upon them; for most of those measures—some of them at all events—have encountered a resolute and determined opposition —an opposition not carried beyond fair and constitutional limits, but, at the same time, a persevering opposition; and there is no proof with regard to any of those measures, or any measure which we have thought it necessary to submit to the consideration of Parliament, that we have been, as a Government, in a minority in this or in the other House of Parliament. My Lords, upon one question in the other House, the Government were, no doubt, in a minority. That was a question on which it was thought (and I think not justifiably) among those that we were departing from the understanding we had held out at the commencement of the Session, and that it was a measure which ought not to be included among those which it was necessary to press forward during the present Parliament. That measure was objected to, not upon its merits, but on account of the period at which it was brought forward. My Lords, I have never concealed from your Lordships that with regard to one class of questions, Her Majesty's Government, if they had urged them forward, would have been in a minority in the other House of Parliament, and possibly in a minority in this; but I say that, with regard to the several measures which we have thought it urgent to press upon the consideration of Parliament, we have shown, in this and the other House of Parliament, that, in the carrying of those measures, we have not been deprived of the confidence of this or of the other branch of the Legislature. My Lords, we gratefully acknowledge that, while we have pursued, to the best of our ability, the course which I took the liberty of sketching out at the commencement of the Session, we have met with no factious opposition; we have encountered nothing but a fair, legitimate, and constitutional opposition in the other House of Parliament; and to your Lordships my especial thanks are due, for the consideration and kindness with which you have dealt with the measures which have been brought before you. I must say that if we had pursued the course which was suggested by the noble Lord opposite, and by some other Gentlemen—if we had dissolved Parliament at the commencement of the Session, and resumed the consideration of those measures at the commencement of a new Parliament, which might have met somewhere about the time at which I am now addressing your Lordships, I am perfectly of opinion that the result would have been, not only that time would have been absolutely wanting for carrying out those great measures, and one Session of Parliament would have been absolutely lost; but that, probably at the commencement of the new Parliament, public attention would have been addressed to them with much less consideration of the intrinsic merits of those questions, and much more in reference to the party feeling, than has been the case when during this *interregnum* of parties, we have had an opportunity of submitting to the calm and dispassionate consideration of both Houses of Parliament measures absolutely and entirely stripped of all party character. My Lords, I earnestly hope that when Parliament shall meet again, there may be the same forbearance and the same general disposition to treat with temper and moderation the subjects which may be brought under their consideration. But I cannot expect that party feeling will not mingle in our discussions—nay, more, I do not desire but that it should. My Lords, I will only say that, while, on the one hand, in any measure which it may be our duty to bring forward in the course of the next Session of Parliament, we shall not shrink from an endeavour to do justice to any of those classes of the community who we may think are suffering under an inequality of pressure and injustice of taxation—at the same time, I can assure your Lordships, with all sincerity and with all truth, that our endeavours will be directed rather to reconcile than to exasperate the feelings of difference between classes; and that, so far from seeking to support the interests of one class apart from the interests of the others, our object will be rather to obtain the confidence of the country at large by doing to the best of our ability, and with thorough impartiality, that which we believe to be called for by the claims of justice to all the various interests of the country.

EARL GREY: My Lords, the noble Earl who has just sat down has pointed attention to the circumstance of my noble and learned Friend Lord Truro not having arrived at a decided opinion as to the Chancery Bill, although the late Government announced, in the Speech from the Throne, that measures of legal reform would be brought forward. There is no inconsistency in what I said on that subject, because, as your Lordships may remember, it was upon points of detail, and not upon the principle of that Bill, that my noble and learned Friend Lord Truro refused to express his opinion. The general principle of a measure of Chancery reform was clearly and unhesitatingly determined upon by Her Majesty's late Government; but my noble and learned Friend Lord Truro was pressed, within forty-eight hours from the Report of the Commissioners being placed in his hands, to declare his opinion, not only as to the general principles of the measure, but as to its details; and it was on them, and them only, that I said he declined to give any opinion. I certainly am not going to follow the noble Earl through the statement which he has just made. I have no wish to find fault with his having congratulated himself, the House, and the country, on the result of the present Session. I have no fault to find with his statement. I believe with him that the fact that a great many useful measures have been passed during the present Session, is mainly to be attributed, as he himself has stated, to the circumstance of there having been a short *interregnum* of parties. It is that circumstance which has facilitated the passing of many important measures. I may also add, that it is greatly owing to the circumstance that, fortunately for this House and the noble Lords opposite, Her Majesty's Government found that, with respect to these measures —I will give them credit for the judgment they have shown—they might safely adopt the principles and views of their predecessors. Many of the measures which they found ready to be submitted by the late Government, they adopted, although, if in opposition, those very measures would have been most strongly opposed by the present Government. Now, my Lords, on this subject I cannot help mentioning one case, trivial, no doubt, but still it is a sample of the great extent to which the views and measures of the late Government have been adopted by the present. Great credit has been taken by the noble and learned Lord opposite for the passing of the New Zealand Bill, and, more especially, for some clauses in that Bill. Now, I cannot help reminding your Lordships that one of the most important clauses of that Bill, and which reconciled a number of persons who would otherwise have been dissatisfied with it, was that by which the Legislature of New Zealand will be enabled to make future reforms in the constitution which has been granted to them by that Bill—I cannot, I say, help reminding your Lordships that two years ago a similar clause —precisely in the same terms—in the Australian Bill, met the determined resistance of the noble Earl opposite (the Earl of Derby), and of the party by which he was then supported. I believe there was a division upon the subject; but, at all events, that clause was considered by the noble Earl opposite to be a great departure from all propriety, and we were informed that if Parliament gave a constitution, Parliament should reserve to itself, and to itself only, the power of altering the constitution granted. I remember the answer of the noble Earl opposite on that occasion, and I am glad, now that the responsibility of Government has been placed upon him, that he has adopted the views which were entertained upon that subject by Her Majesty's late Government. I cannot but express congratulation with respect to the measures passed this Session; but I think the great facility with which they were passed is not a little owing to the circumstances to which I have referred.

Lord BEAUMONT: When I stated that the Government was in a minority, I actually quoted words which fell from the noble Earl and some of his Colleagues. And when he states that he has been able to carry out his policy, I join issue with him upon the subject, and say that the noble Earl simply carried out the policy of his predecessors, and that he has not submitted to this Parliament any measure—

The Earl of DERBY: I said I carried out measures—

Lord BEAUMONT: Aye. You carried out measures which you adopted from recommendations made by Commissioners appointed by the late Government. You carried out measures which were suggested by your predecessors.

LAW REFORM.

On Motion that the Consolidated Fund Appropriation Bill be read a Third Time,

Lord BROUGHAM rose, and said, that having on the previous day recommended Her Majesty's Government to issue a Commission for the purpose of inquiring into the practice and jurisdiction of County Courts, he begged now to suggest further, that the frame of that Commission should be similar to that which was issued last year on the subject of the Court of Chancery. He would now read what he submitted should be the frame of it; the whole subject of fees and salaries as well as costs should be included, and he would hand to the noble Lord opposite the paper now read. His noble Friend would find that it extended to all Courts of Local Jurisdiction as well as County Courts. He begged also to take that opportunity of expressing his regret that County Court Judges, who were enabled to act as magistrates in counties without any other qualification than their Judgeship, had not been chosen as Chairmen of Sessions. He believed that great advantage would be derived from the justices in quarter-sessions being enabled to avail themselves of the assistance of the County Court Judges, in the same way as the magistrates in Ireland were enabled to avail themselves of the services of the Assistant Barristers in that country; and both in the Bill of 1833 and the Bill of 1846 the provision respecting the qualification was inserted in the hope that such a course would be taken in the different counties of England. There were several serious defects in the practice not merely of the local judicatures, to all which as well as the County Courts the inquiry should extend, but of the Superior Courts, which he hoped and trusted not many years, he hoped even not many months, would elapse before he saw a remedy applied to them. He particularly alluded to that most grievous omission to which he had often adverted in the practice of our Criminal Law whereby we are left without a public prosecutor. The present system had met with the universal condemnation of the Judges, who were all agreed that nothing could be worse than the present arrangement, by which the Judges performed the incompatible duties of both prosecutors, counsel for the prisoner, when he was without legal assistance, and Judges. He would read what had been recently said on the subject by some of these learned persons, as reported in Mr. Cox's Criminal Cases—Mr. Justice Cresswell, Mr. Justice Maule, Mr. Justice Coleridge, and Mr. Justice Williams. [The noble Lord read the opinions of those Judges, and their complaints of the want of prosecuting counsel.] Mr. Baron

Pennifather, in Ireland, expressed himself in similar terms. Such a scandal must now cease, and the remedy for this great evil was a reform which it required no legislative measure to effect, at least to begin. It merely required the direction of the Secretary of State, and the concurrence of local authorities. When he (Lord Brougham) held the Great Seal, in 1834, his noble Friend Lord Bessborough (then Home Secretary), and himself, had arranged to introduce the matter gradually, and had intended to commence with the Central Criminal Court, which has jurisdiction over a population of 2,000,000; but their arrangement, unfortunately, was not carried into effect, owing to the change of Ministry which soon happened. In some counties the clerk of the peace supplied the want of a public prosecutor by having a standing counsel to superintend the criminal business. Thus, in the West Riding of Yorkshire and in Northumberland, he remembered the same counsel used always to be employed. The admirable manner in which the business was prepared and conducted, prevented both improper prosecutions being commenced, and failure in those fit to be instituted. There were many other matters connected with the local jurisdiction in its various braches, which imperatively required attention. He trusted the Government would give the whole subject their early and most careful consideration.

The MARQUESS of SALISBURY said, he could only repeat what had been said on the previous day by the noble Earl at the head of Her Majesty's Government, namely, that the subjects to which the noble and learned Lord had called their attention should not be lost sight of. But he must observe that the present was not a very convenient opportunity for bringing forward these subjects.

LORD BROUGHAM thought, on the contrary, that the Motion for the Third Reading of the Appropriation Bill was a most fit occasion. That Bill was at all times considered as opening every matter of complaint; it was State of the Motion.

Bill read 3ª, and *passed.*

PATENT LAW AMENDMENT (No. 2) BILL.

Message from the Commons insisting on certain of their Amendments, to which the Lords have disagreed, with their Reasons:

The said Reasons *considered.*

Moved—Not to insist on the said Amendments to which the Commons disagree:

On Question, Whether to insist? *Resolved* in the *Negative.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, June 30, 1852.

MINUTES.] PUBLIC BILLS.—1° Suitors in Chancery Relief (No. 2).
2° Suitors in Chancery Relief (No. 2).
3° Suitors in Chancery Relief (No. 2).

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.

Lords Reasons for disagreeing to one of the Amendments *considered.*

MR. WALPOLE moved that the House insist upon Clause (E), the Amendment to which the Lords have disagreed. While the Bill was before the Commons a clause was introduced carrying out one of the recommendations of the Chancery Law Commission, depriving the Court of Chancery of the power of sending cases to a Court of Law. The object of such a clause was to make the Court of Chancery complete in its jurisdiction for deciding all cases brought before it, and to avoid the expense and delay consequent on referring questions once, twice, and, as occasionally happened, thrice to a court of common law. Having the highest respect for the judgment of the noble and learned Lords at whose instance the clause was disagreed to, he should have been disposed, but for the recommendation of the Commission, and that the subject had been fully considered by the House, to suggest the adoption of the Amendment their Lordships had made; but as it was, he felt bound to move that it be not concurred in.

MR. BETHELL seconded the Motion.

SIR WILLIAM PAGE WOOD did not rise to oppose the Motion just made, but to make a few observations as to the alleged conduct of his right hon. and learned Friend the Master of the Rolls, in regard to one of these law Bills. It was with great pain he had observed that any discussion affecting the conduct and integrity of his right hon. Friend, as a sincere, earnest, and ardent law reformer, had taken place elsewhere. He could not have supposed that from any source—much less that from which it had emanated—any imputation could have arisen on his right hon. Friend's earnestness and sincerity; and he felt the more pained when he saw that imputation take the shape, not of direct accusation, but of insinuation, which was far worse—the form of that insinuation being that his right hon. and learned Friend the Master of the Rolls had taken in charge, or had connected himself with, the conduct of the Bill for the Relief of Suitors in Chancery; and that, having such conduct, he made the Bill rather a Master of the Rolls' Bill than a Lord Chancellor's Bill—that he used his position and his influence in the House for the purpose of obtaining advantages and increasing the patronage for the Master of the Rolls' Court, by increasing the number and the fees payable to the secretaries and other officers of that Court, while those of the Lord Chancellor's Court were reduced—and that he had obtained more patronage in respect to the office for issuing "orders in course." Now he (Sir W. P. Wood) had not spoken to his right hon. Friend on the subject; but he felt it his duty, in justice to his right hon. Friend, to say that the Bill in question had been introduced, not by the Master of the Rolls, but by himself, and that from the commencement of its progress through the House of Commons, his right hon. Friend had had no share in it. As he (Sir W. P. Wood) introduced the Bill on the part of the late Government, he wished to say that the Bill was framed by the late Lord Chancellor, in compliance with the recommendations of a Select Committee of that House, over which it was true that at one time the Master of the Rolls presided; but he had ceased to do so long before it decided on its report. One of the recommendations of the Committee was that "orders of course" should be abolished. The late Lord Chancellor was of opinion that those "orders of course" should not be abolished; but no communication was made to the Master of the Rolls, who was not aware of the provisions of the Bill till it was introduced. With regard to the retention or abolition of "orders of course," there were arguments on both sides; but, after deliberation, it was decided that their abolition should be omitted from the Bill. In the first week of the Session, he (Sir W. P. Wood), brought in the Bill, and up to that time and afterwards, the Master of the Rolls had no knowledge of the Bill beyond that possessed by other Members; he took part in the discussion which ensued, but there was no discussion on this particular matter. After the accession of the present Government to office, the right hon. Gentleman the Home Secretary, at his request, took charge of the Bill, and treated it as a Government measure. From the end of February, therefore, the Bill was in the hands of the right hon. Gentleman, who proposed such new clauses and alterations as he saw fit; and if any alteration had been made with regard to this matter of "orders of course," it would have been discussed—but he did not. When he (Sir W. P. Wood) parted with the Bill, he was requested, like the noble and learned Lord in the other House, to present a petition from certain solicitors in the metropolis, which prayed that the recommendation of the Committee as to the abolition of "orders of course" should be adopted. He stated to the petitioners, that as he had brought in the Bill as a Member of the late Government, he did not think he was the proper person to make that suggestion, but that, if the question was raised, he was prepared to discuss it. The question, however, was never raised: but the Master of the Rolls had no part in preventing that discussion, nor did he take any part or share in the provisions beyond that taken by the other Members. He regretted that anything in the shape of an imputation should have been cast on the Master of the Rolls, with regard to his having taken any part in preventing the abolition of "orders of course;" and still more so when it was said that he had done so to benefit persons with whom he was connected. He (Sir W. P. Wood) confined himself strictly to explanation with regard to the passing of the Bill. He had no doubt that the Master of the Rolls could give a satisfactory explanation with regard to the appointment of a secretary; indeed, if "orders of course" were retained, there must be a secretary. With regard to the noble and learned Lord who made these observations (Lord Lyndhurst), he (Sir W. P. Wood), in common with the whole of his profession, entertained for him the greatest respect, and he could only regret that there should have been any suspicion in the mind of the noble and learned Lord as to the possibility of any impropriety of conduct in the Master of the Rolls. They were indebted to that right hon. Gentleman for his activity and constant attendance as a member of the Committee, and for his co-operation as the law adviser of the Government for its formation, as well as for the diligence, care, zeal, and honesty he had shown as a law reformer; and he should be sorry if the Session were to conclude with the least imputation remaining on his untarnished character.

The SOLICITOR GENERAL said, that the House would no doubt feel perfectly satisfied with the explanation which had been given by the hon. and learned Member opposite, of the conduct and motives of the Master of the Rolls in these proceedings; and he (the Solicitor General) was warranted in saying, on behalf of the noble and learned Lord (Lord Lyndhurst) who had referred to this subject in the other House of Parliament, that there was not an individual in the country who more sincerely respected the eminent attainments and high character, both private and judicial, of the Master of the Rolls. It was true, that in the course of one of the many discussions that had arisen in the other House of Parliament with respect to the many great and important law reforms which had passed through Parliament in the latter half of the present Session, that noble and learned Lord did make some allusions to the course which he erroneously supposed had been taken by the Master of the Rolls with respect to the Suitors in Chancery Relief Bill. It was quite unnecessary for him (the Solicitor General) to say that his noble and learned Friend had been always perfectly ready to do justice (and indeed he believed that when his Lordship made these remarks, he had done so in express terms) to the high character and entire freedom from liability to imputation of the right hon. Gentleman the Master of the Rolls, in the matter to which allusion had been made. It was not surprising if, amidst the complicated matters which had from time to time been under consideration in connexion with the various legal reforms which had lately engaged the attention of Parliament, even one so eminently distinguished, not only for learning, but for extraordinary accuracy with respect to facts, should have been misled by a misapprehension on this occasion. That the statements of the noble and learned Lord were founded upon a misapprehension, he repeated; and he was sure that the House and his right hon. Friend the Master of the Rolls would be perfectly satisfied with that statement, in addition to the explanation which had been given by the hon. and learned Gentleman opposite (Sir W. P. Wood). The extensive and indeed unparalleled series of legal reforms which had now passed through both Houses of Parliament, and were only awaiting the Royal Assent to become the law of the land, would effect the greatest improvement in the law, which had been made during the present century; and it would be matter of much regret if, after the great pains which had been taken by the Master of the Rolls in promoting this great public benefit, the slightest approach to personal imputation should be allowed to rest upon his high reputation. He might say, on behalf of his noble Friend and of Her Majesty's Government, that while they laid claim to the credit of having spared no effort to carry into effect these law reforms, they were quite ready to yield their tribute of gratitude and respect to that Commission of which the Master of the Rolls formed an important and essential Member, and to all who in either House of Parliament had aided them in those efforts to effect this great improvement in the law. He hoped and believed that great, extensive, and beneficial as those improvements were, they were only the first step to still greater improvements in a future Parliament—reforms to which, whether in or out of office, every Member of Her Majesty's Government would rejoice in lending his aid.

SIR HENRY WILLOUGHBY bore testimony to the eminent services of the Master of the Rolls in the cause of legal reform.

Resolved—"That this House doth insist upon Clause (E), the said Amendment to which the Lords have disagreed."

Committee *appointed*, "to draw up Reasons to be assigned to the Lords for insisting upon one of the Amendments to the said Bill, to which the Lords have disagreed."

PATENT LAW AMENDMENT BILL.

Lords Reasons for disagreeing to certain of the Amendments *considered* :—

Resolved—"That this House doth insist upon their Amendments in p. 9, l. 1; and lines 14 and 15, to the said Bill, to which the Lords have disagreed; and agree to the Amendments made by the Lords to the Amendments made by this House."

Committee *appointed*, "to draw up Reasons to be assigned to the Lords for insisting upon certain of the Amendments to the said Bill to which the Lords have disagreed :—

Report of Reasons *brought up*, and read: Reasons read 2°, and *agreed to* :—To be communicated to The Lords.

RELIGIOUS PROCESSIONS.

MR. H. BERKELEY said, that he rose to put to the Government a question of which he had given notice. He understood that the Secretary of State for the Home Department was unavoidably absent, but he hoped that the Solicitor General or the Under Secretary of State would give him an answer. His question had reference to the Roman Catholic processions, against which there had lately been a Royal Proclamation. It appeared that the Government had determined to enforce an Act for putting down these processions, and he wished to know whether that Act extended to the suppression of those imitations of Roman Catholic processions by clergymen of the Church of England which had notoriously taken place in different parts of the kingdom? And in the event of the existing Act not being sufficient to prevent such practices, which bade fair to create a breach of the peace, he wished to know whether the Government intended to introduce such an Act as would put a stop to practices which were scandalous to Protestantism and disgraceful to the Church of England?

The SOLICITOR GENERAL: I have to state, in the first place, that the Act of Parliament which is now in force has no operation upon any processions whatever, if such have ever had existence, in which clergymen of the Church of England only have borne part, that Act applying entirely to processions consisting of Roman Catholic priests and Roman Catholic persons. With regard to the second question of my hon. Friend, I have only to state that Her Majesty's Government are not at all aware of the law having been violated, or even of any such processions as those alluded to having taken place in any part of the kingdom. It is, therefore, scarcely necessary for me to add, that they have no intention of proposing in this or any future Session of Parliament any measure of the kind referred to with respect to clergymen of the Church of England.

THE CASE OF LEOPOLD DE ROSE.

LORD DUDLEY STUART moved for a copy of the depositions taken at Gosport on the case of Leopold de Rose, who was sentenced to imprisonment with hard labour on a charge of begging. The noble Lord stated the particulars of the case, to the effect that Mr. de Rose obtained a livelihood by selling drawings, and that he had been falsely accused by Captain Hamilton of begging, on which charge he had been committed to fourteen days' imprisonment and hard labour. The noble Lord stated that Captain Hamilton had also insulted him by telling him that, as a Pole, he belonged to the most rascally set of scoundrels that ever were let loose on this country. The noble Lord then proceeded to point out the injustice of the case, remarking that, even if the poor Pole had solicited alms, it would have been harsh treatment to give him into custody. It was only a few days since an Austrian officer, who had been engaged in the war against Hungary, applied to him for relief, and he considered he would have disgraced himself had he given that man into custody. And yet Captain Hamilton had thought it not unbecoming in a British officer to be instrumental in imprisoning a poor Pole, who had committed no offence, for fourteen days, with hard labour. The conduct of the magistrate was, however, equally reprehensible; for there could have been no necessity for visiting so slight an offence—if even an offence had been committed, which he denied—with such great severity. A case of this sort was a disgrace to a country which boasted of affording protection to the exiled and the unfortunate. He (Lord D. Stuart) had known Mr. De Rose many years, and he had always found him an honourable, straightforward man. He believed that he had never applied to any one for pecuniary assistance, and he had never applied to the Society of the Friends of Poland. The noble Lord then read the following letters, the first of which was from Thomas Hoskins, Esq., lately Tithe Commissioner, and now Auditor of the Accounts of the Guardians of the Poor at Gosport, Portsmouth, and the Isle of Wight:—

"Gosport, 26th June, 1852.

"My Lord—At the request of my excellent friend the Mayor of Southampton, I have felt great pleasure in accompanying Lieut. Szulczewski and Mr. Leopold de Rose to the several places of abode of Mr. Tilston, Mr. Wyatt, Mr. Biden, Capt. Blake, Mr. Meggs, Mrs. Welch, Miss Slane, and Miss Nott—all of whom I have known for many years as most highly respectable people—and I can assure your Lordship that I have heard with great delight the testimony which each of those ladies and gentlemen gave to the character and deportment of Mr. Leopold de Rose, who, although reduced to the necessity of offering his articles for sale, always did so with the marked conduct of a highly honourable man and a gentleman; he was immediately recognised by each, was most pleasantly received by all, and deeply sympathised with for the manner in which he had been treated, which, as some did not hesitate to state, was 'a disgrace to the country.' So far from begging, one lady stated, that she had offered him two shillings for an article of one shilling value, which he most honourably declined to take. The result is most satisfactory to my mind, that Mr. De Rose has behaved in this neighbourhood in a manner highly creditable to himself and his country, and that he is entitled to the esteem and the sympathy of all who detest tyranny and oppression.—I have the honour to be, your Lordship's most obedient servant,

"Thomas Hoskins."

The second, from one of the justices of the peace for the county of Hants, was as follows:—

"26th June, 1852.

"My Lord—I had a visit yesterday from Lieut. Charles Szulczewski and Mr. De Rose; the former came to make inquiries of me respecting Mr. De Rose's imprisonment for begging, &c. I can only say I consider he has been shamefully used by Captain Hamilton, who resided at Anglesey, near Gosport, and who is now appointed to a ship at Woolwich. My brother magistrate, Dr. Hillyer, could do no more than imprison Mr. De Rose, as Captain Hamilton swore that he 'wandered abroad to beg and gather alms, contrary to the form of the statute in such case made,' &c. &c. Now it does appear to me to be a very extraordinary thing that Mr. De Rose should beg of Captain Hamilton, when I well know that Mr. De Rose could get 5*l.* or 10*l.* whenever he liked to ask for it, by writing to a neighbour of mine, one of the first families in the county, but he has never done so. Moreover, the policeman took Mr. De Rose into custody without a warrant, and without seeing him ask alms."

Now he thought that after reading these letters, he was justified in saying that, though Captain Hamilton swore he had begged of him, he did not believe him, though, at the same time, he did not believe that a British officer would state on his oath that which he considered was not true. He believed that Captain Hamilton got into a great fury, and really did not know what he was about, or what was said.

Motion made, and Question proposed—

"That there be laid before this House, a Copy of the Depositions taken at Gosport on the case of Leopold de Rose, who was sentenced to imprisonment, with hard labour, on the 13th day of November, 1851."

Mr. H. BERKELEY said, he knew Captain de Rose, who was introduced to him by some of the most respectable men in the city of Bristol. He had observed about him great delicacy of mind; he was evidently a man labouring under misfortune, who wished to put on the best appearance he could. Whenever any attempt had been made to give him money, he shrank from it. He trusted that Government would make an inquiry into this case.

Sir WILLIAM JOLLIFFE said, he ought, perhaps, to take some blame on himself in not having pressed more strongly than he had done on the noble Lord his wish that he should postpone this Motion in consequence of the absence of his right hon. Friend (Mr. Walpole). He regretted still more that the noble Lord should have thought it his duty to go into a long accusation against persons who were not present, and who had no means whatever of making any answer. It appeared most extraordinary that this matter had been allowed to sleep for months, and that persons in the neighbourhood, who took an interest in the matter, had made no representation to the Home Office. If any such representation had been made either to the present Secretary of State, or to his predecessor, the fullest possible investigation would have been made. He understood that it was unusual to furnish copies of the depositions taken in such cases as the present; but he would take care that such an investigation should be made, and he would inform the noble Lord of the result—but he could not now consent to the Motion.

Mr. CHISHOLM ANSTEY did not think that gentlemen in the position of Mr. De Rose had any encouragement to look to the Home Office for redress, after the treatment of another Pole, who was not a poor Pole like Mr. De Rose, but who, without any other charge than that he was a Pole, had been taken out of his own House, placed in a cell for twelve hours, and his papers ransacked—had appealed to the Home Office and obtained no redress—and when, after six months had elapsed, he applied to his attorney, he found that it was too late, according to the Act of Parliament, to seek redress in a court of law. If the noble Lord pressed his Motion to a division for the production of the depositions, he would vote with him. The hon. Baronet said it was not usual to produce such depositions; that might be, but it should also be remembered that the case itself was a most unusual one.

Viscount PALMERSTON: I feel bound to say that, in my opinion, this is clearly a case deserving investigation, and I cannot for a moment doubt but that the Government will feel bound to look into it most narrowly and minutely. I think my noble Friend has acted with strict propriety in bringing forward this case; and as to the observation that he made *ex-*

parte charges, and implicated the names of absent individuals, I must say I think that these matters are inseparable from a question like the present. I am sure, my noble Friend, in bringing forward this question, has only displayed that honourable and humane feeling towards the helpless and distressed that has ever characterised his conduct—and for which every one who listens to me must be willing to give him credit. As to the Motion before the House, I have no doubt but that the Government will redeem its pledge, and that full inquiry into the case will be at once instituted; and should they find, after full investigation, that the parties concerned have abused the powers entrusted to them, that the Government will take such steps as will prevent a recurrence of such conduct. I hope my noble Friend will now withdraw the Motion.

Lord DUDLEY STUART said, his object would be attained if Government would make an inquiry, and he therefore withdrew the Motion.

Motion, by leave, *withdrawn.*

The House adjourned at Four o'clock.

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HOUSE OF LORDS,

Thursday, July 1, 1852.

MINUTES.] PUBLIC BILLS.—2ª Suitors in Chancery Relief (No. 2).

3ª Suitors in Chancery Relief (No. 2).

ROYAL ASSENT.—Consolidated Fund (Appropriation); Metropolitan Burials; Metropolis Water Supply; Bishopric of Christchurch (New Zealand); Improvement of the Jurisdiction of Equity; Patent Law Amendment (No. 2); Suitors in Chancery Relief (No. 2).

STANDING ORDER, No. 185—THE "WHARNCLIFFE" ORDER.

Order of the Day for moving certain Amendments in Standing Order No. 185, and for the Lords to be Summoned, read: Then it was *moved,* in Line 34, of the said Order, after ("Meeting") to insert ("enclosing a Blank Proxy for the Use of such Proprietor"); and in Line 39, to leave out ("at least Four Fifths of such"), and in the same Line after ("Proprietors") to insert ("present in Person or by Proxy holding at least Three Fourths of the paid-up Capital of the Company represented at such Meeting, such Proprietors being qualified to vote at the Meeting in right of such Capital"):

On Question, *agreed to.*

PROROGATION OF THE PARLIAMENT.

This day being appointed for the Prorogation of the Parliament by THE QUEEN in Person, HER MAJESTY entered the House soon after Two o'clock, accompanied by the Prince Albert, and attended by the Great Officers of State.

THE QUEEN being seated on the Throne, and the Commons (who were sent for) being come, with their Speaker,

MR. SPEAKER made the following Speech to HER MAJESTY:—

"MOST GRACIOUS SOVEREIGN,

"We, Your Majesty's dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, approach Your Majesty with feelings of unfeigned respect and attachment. We acknowledge with gratitude the uninterrupted tranquillity and prosperity which, by the blessing of Providence, this nation has been permitted to enjoy—affording to us, as it has done, a fitting opportunity of directing our attention to questions of domestic policy, and of effecting various social and sanitary improvements which the interests of the public imperatively required. The difficulty and cost of obtaining patents for inventions has long been a subject of complaint; for these evils we have endeavoured to provide an efficient remedy, which, without imposing undue restrictions upon the public, will secure for ingenuity and talent a just protection and reward. Availing ourselves of the valuable information furnished by the reports of Commissions appointed by Your Majesty, we have made extensive and important changes in the proceedings of the superior courts of law and equity; and we confidently hope that by materially curtailing and simplifying those proceedings, which have caused so much harassing expense and delay, we have removed the reproach which has hitherto attached to the administration of justice in this Kingdom. In obedience to Your Majesty's commands, we have framed a constitution for the colony of New Zealand, and we trust that the same love of freedom, the same loyalty to the Crown, which is so conspicuous in Your Majesty's dominions at home, will be the guiding principle of Your Majesty's subjects in that remote but important dependency of the Empire. The military defence of this country has received from us the most serious and patient consideration. Fully alive to the extraordinary demand upon the services of the Army in Your Majesty's possessions abroad, we deemed it advisable no longer to suspend the operation of the laws regulating the militia of England and Wales; but so far to modify their provisions, by substituting voluntary for compulsory enlistment, as to make them less onerous to the working classes. This course has been dictated by no unworthy motives of jealousy and distrust towards other Powers; we felt it to be due to a great and generous people to protect them from the possibility of a surprise, and, by adopting such a measure of precaution, and by removing all grounds for alarm arising from a sense of insecurity, we believe that we have done much to insure the continuance of that peace which it has been our anxious desire to maintain with all the world. For these and other objects connected with the service of this extended Empire, it has been the duty as well as the especial privilege of Your Majesty's faithful Commons to make just and ample provision; and the Bill which I have now to present to Your Majesty, entitled, 'The Consolidated Fund Appropriation Bill,' completes the grants for the present year, to which we humbly invite Your Majesty's Royal Assent."

And MR. SPEAKER delivered the Money Bill to the Clerk; and the Royal Assent was then pronounced to several Bills.

HER MAJESTY was then pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"I AM induced, by Considerations of Public Policy, to release you at an earlier Period than usual from your Legislative Duties.

"THE Zeal and Diligence, however, with which you have applied yourselves to your Parliamentary Labours have enabled Me in this comparatively short Session to give My Assent to many Measures of high Importance, and, I trust, of great and permanent Advantage.

"I RECEIVE from all Foreign Powers Assurances that they are animated by the most friendly Dispositions towards this Country; and I entertain a confident Hope that the amicable Relations happily subsisting between the principal *European* States may be so firmly established, as, under Divine Providence, to secure to the World a long Continuance of the Blessings of Peace. To this great End My Attention will be unremittingly directed.

"I REJOICE that the final Settlement of the Affairs of *Holstein* and *Schleswig*, by the general Concurrence of the Powers chiefly interested, has removed One Cause of recent Difference and of future Anxiety.

"THE amicable Termination of the Discussions which have taken place between the *Sublime Porte* and the Pacha of *Egypt* afford a Guarantee for the Tranquillity of the East, and an Encouragement to the Extension of Commercial Enterprise.

"THE Refusal on the Part of the King of *Ava* of Redress justly demanded for Insults and Injuries offered to My Subjects at *Rangoon* has necessarily led to an Interruption of friendly Relations with that Sovereign. The Promptitude and Vigour with which the Governor General of *India* has taken the Measures thus rendered unavoidable, have merited My entire Approbation; and I am confident that you will participate in the Satisfaction with which I have observed the Conduct of all the Naval and Military Forces, *European* and *Indian*, by whose Valour and Discipline the important Captures of *Rangoon* and *Martaban* have been accomplished, and in the Hope which I entertain that these signal successes may lead to an early and honourable Peace.

"TREATIES have been concluded by My Naval Commanders with the King of *Dahomey* and all the *African* Chiefs whose Rule extends along the *Bight of Benin*, for the total Abolition of the Slave Trade, which is at present wholly suppressed upon that Coast.

"I HAVE had great Satisfaction in giving My Assent to the Measure which you have wisely adopted for the better Organization of the Militia: a constitutional Force which, being limited to Purposes of internal Defence, can afford no just Ground of Jealousy to neighbouring Powers, but which, in the event of any sudden and unforeseen Disturbance of My Foreign Relations, would at all Times contribute essentially to the Protection and Security of My Dominions.

"*Gentlemen of the House of Commons,*

"I THANK you for the liberal Provision which you have made for the Exigencies of the Public Service. The Expenditure which you have authorized shall be applied with a due Regard to Economy and Efficiency.

"THE recent Discoveries of extensive Gold Fields have produced in the *Australian* Colonies a temporary Disturbance of Society requiring prompt Attention; I have taken such Steps as appeared to Me most urgently necessary for the Mitigation of this serious Evil. I shall continue anxiously to watch the important Results which must follow from these Discoveries. I have willingly concurred with you in an Act, which, by rendering available to the Service of those Colonies the Portion arising within them of the Hereditary Revenue placed at the Disposal of Parliament on My Accession to the Throne, may enable them to meet their necessarily increased Expenditure.

"*My Lords, and Gentlemen,*

"I HAVE gladly assented to the important Bills which you have passed for effecting Reforms, long and anxiously desired, in the Practice and Proceedings of the Superior Courts of Law and Equity, and generally for improving the Administration of Justice. Every Measure which simplifies the Forms and diminishes the Delay and Expense of Legal Proceedings, without introducing Uncertainty of Decision, impairing the Authority of the Courts, or lowering the high Standard of the Judicial Bench, is a valuable Boon conferred on the Community at large.

"I HOPE that the Measures which you have adopted for promoting Extramural Interment of the Dead, and for improving the Supply of Water, may be found effectual for the Remedy of Evils, the Existence of which has long been a Reproach to this great Metropolis, and may conduce to the Health and Comfort of its Inhabitants.

"THE Extension of Popular Rights and Legislative Powers to my Subjects resident in the Colonies is always to Me an Object of deep Interest; and I trust that the Representative Institutions which, in concert with you, I have sanctioned for *New Zealand* may promote the Welfare and Contentment of the Population of that distant, but most interesting, Colony, and confirm their Loyalty and Attachment to My Crown.

"IT is My Intention, without Delay, to dissolve this present Parliament; and it is My earnest Prayer that, in the Exercise of the high Functions which, according to our free Constitution, will devolve upon the several Constituencies, they may be directed by an All-wise Providence to the Selection of Representatives whose Wisdom and Patriotism may aid Me in My unceasing Endeavours to sustain the Honour and Dignity of My Crown, to uphold the Protestant Institutions of the Country, and the Civil and Religious Liberty which is their natural Result to extend and improve the National Education, to develope and encourage Industry, Art, and Science, and to elevate the moral and social Condition, and thereby promote the Welfare and Happiness, of My People."

Then the LORD CHANCELLOR, by HER MAJESTY'S command, said—

"MY LORDS, AND GENTLEMEN,

"It is Her Majesty's Royal Will and Pleasure, That this Parliament be prorogued to *Friday* the Twentieth Day of *August* next, to be then here holden; and this Parliament is accordingly prorogued to *Friday* the Twentieth Day of *August* next."

HER MAJESTY and the Prince Albert, attended by the Officers of State, as before, then retired, and the rest of the assembly immediately dispersed.

HOUSE OF COMMONS,

Thursday, July 1, 1852.

THE STOCKPORT RIOT.

MR. CHISHOLM ANSTEY said, seeing the right hon. Gentleman the Secretary of State for the Home Department in his place, he wished to put a question to him with reference to the unfortunate affray which had taken place at Stockport. He begged to ask, in the first place, whether the right hon. Gentleman had any further information as to the causes that led to the riot than was mentioned in the morning papers; secondly, whether it was true that a religious procession of Roman Catholics was the original cause of the riot; and, thirdly, whether it was the intention of Her Majesty's Government from this time forth to take effectual measures to prevent religious processions of that kind taking place in this country, where their recurrence was eminently calculated to excite breaches of the public peace?

MR. WALPOLE: Sir, with reference to the three questions put to me by the hon. and learned Gentleman, I have to state, in the first place, that I have received no further information than that which the daily organs of communication have put the House in possession of with reference to the unfortunate disturbances which have taken place in Stockport. In answer to the second question put by the hon. and learned Gentleman, perhaps I had better read to the House a passage from a letter which I have received from the Mayor of Stockport with reference to the origin of the disturbances:—

> "As far as is at present ascertained, the disturbance appears to have arisen out of a quarrel between the English and Irish, in which, I fear religious animosity has been brought into play; but the whole matter was so sudden and unexpected, and the attention of myself and brother magistrates has been so entirely required by the necessary measures for preserving the public peace, that the facts have not yet been accurately ascertained."

In that state of things the House, I think, will agree with me in the propriety of forbearing from the expression of an opinion one way or the other with reference to the origin of these disturbances. As to the third question put by the hon. and learned Gentleman, whether it is the intention of the Government to prevent all religious processions which lead to these unhappy disturbances, I can only state that, both in England and in Ireland the Government have taken every possible precaution to discourage processions of such a character, or which can in any way lead to disturbances arising out of religious differences existing between different members of the community. We have done so in Ireland with reference to the processions which usually take place at this time of the year, by communications between the Lord Lieutenant and the magistrates, expressive of the desire of the Government to repress and check to the utmost extent processions which may lead to these disturbances. We have done so, also, in England; and all I can assure the House is this—that the present Government are anxious, above all things, that any of those ostentatious parades which may lead to religious disputes shall be discouraged and discountenanced by the Government, and I hope the country will support us in doing so.

VENTILATION OF THE HOUSE.

Lord SEYMOUR said, he wished to ask the noble Lord the First Commissioner of Works, what measures were going to be taken during the recess for the ventilation of the House, either in the mode which had been proposed, or in any other way? He wished to know whether anything had been done according to the Report of the Committee appointed to consider the subject, or whether the whole question of ventilation would be left to be considered by the wisdom of a future Parliament?

Lord JOHN MANNERS said, the course he proposed to take, was, that the recommendation of the Committee appointed to inquire into this subject should be carried out, and, with the co-operation of the Gentlemen whose services had received a complimentary allusion in the last Report of the Committee, he trusted that, during the recess, arrangements for the lighting, warming, and ventilation of the House would be carried on efficiently, so as to enable the Members of the new Parliament to enter a House rendered far more agreeable in these important particulars than it was at present.

PARLIAMENTARY PAPERS.

Mr. HUME said, he had been informed by an hon. Member that no more Parliamentary papers would be delivered after the House separated to-day. Now, he did hope that all those papers which had been ordered to be printed would be delivered and sent to the Members of the present Parliament. He wished to know from Mr. Speaker whether by his order this course could not be adopted.

Mr. SPEAKER said, that his authority would cease in a very few hours. The usual practice had been, after a dissolution of Parliament, that no further papers should be delivered; and if that practice were departed from in the present instance, it could only be by the courtesy of the members of the Government.

Mr. BECKETT DENISON said, that it would be very desirable if the Government would take the course suggested.

The CHANCELLOR of the EXCHEQUER said, he doubted very much if the Government had authority to comply with the request made; and if they did, he should call upon the hon. Member for Montrose to join him in bringing in a Bill of Indemnity. If the hon. Member wished it, there would be still time to move an Address to the Crown on the subject, and that would facilitate the object which seemed to be desired.

Mr. HUME said, it was extremely important that all the papers not yet delivered should be communicated without delay to the public. In compliance with the suggestion made by the Chancellor of the Exchequer, he would move an Address to that effect.

Resolved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that all Papers presented to this House, and ordered to be printed, shall, notwithstanding the Dissolution, be delivered to the Members of the present House of Commons."

PROROGATION OF THE PARLIAMENT.

Message to attend Her Majesty;—The House went;—and the Royal Assent was given to several Bills.

After which, Her Majesty was pleased to make a Most Gracious Speech from the Throne to both Houses of Parliament.

Then the Lord Chancellor declared Her Majesty's Royal Will and Pleasure that this Parliament be prorogued to Friday, the 20th day of August next.

BY THE QUEEN.

A PROCLAMATION

For Dissolving the present Parliament, and Declaring the Calling of Another.

Victoria R.

Whereas We have thought fit, by and with the advice of Our Privy Council, to dissolve this present Parliament, which was this day prorogued, and stands prorogued to Friday, the twentieth day of August next: We do for that end publish this Our Royal Proclamation, and do hereby dissolve the said Parliament accordingly; and the Lords, Spiritual and Temporal, and the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs of the House of Commons, are discharged from their meeting and attendance on the said Friday, the twentieth day of August next: and We being desirous and resolved, as soon as may be, to meet Our people, and to have their advice in Parliament, do hereby make known to all Our loving subjects Our Royal will and pleasure to call a new Parliament: and do hereby further declare, that, with the advice of Our Privy Council, We have given order that Our Chancellor of that part of Our United Kingdom called Great Britain, and Our Chancellor of Ireland, do, respectively, upon notice thereof, forthwith issue our writs in due form, and according to law, for calling a new Parliament: and We do hereby also, by this Our Royal Proclamation, under Our Great Seal of Our United Kingdom, require writs forthwith to be issued accordingly by Our said Chancellors respectively, for causing the Lords Spiritual and Temporal, and Commons, who are to serve in the said Parliament, to be duly returned to, and give their attendance in, Our said Parliament, which writs are to be returnable on Friday, the twentieth day of August next.

Given at Our Court at Buckingham Palace, this first day of July, in the year of our Lord One Thousand Eight Hundred and Fifty-two, and in the sixteenth year of Our reign.

GOD SAVE THE QUEEN.

[TABLE OF STATUTES.

A TABLE

OF

ALL THE STATUTES

PASSED IN THE FIFTH SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

15° & 16° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-two.

II. An Act to authorize the Inclosure of certain Lands in pursuance of the Seventh Annual, and also of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

III. An Act to provide for the Administration of Personal Estates of Intestates and others to which Her Majesty may be entitled in right of Her Prerogative or in right of Her Duchy of *Lancaster*.

IV. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

V. An Act further to explain and Amend the Acts for the Regulation of Municipal Corporations in *England* and *Wales*, and in *Ireland*.

VI. An Act for extending the Term of the provisional Registration of Inventions under "The Protection of Inventions Act, 1851."

VII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VIII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

IX. An Act to disfranchise the Borough of *Saint Alban*.

X. An Act for raising the Sum of Seventeen millions seven hundred and forty-two thousand eight hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-two.

XI. An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

XII. An Act to enable Her Majesty to carry into effect a Convention with *France* on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings.

XIII. An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

XIV. An Act to continue an Act of the Fifteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund.

XV. An Act to continue an Act to amend the Laws relating to Loan Societies.

XVI. An Act to amend the Acts relating to the Repayment of Advances made to Districts in *Ireland*.

XVII. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

XVIII. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

XIX. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

XX. An Act to continue the Duties on Profits arising from Property, Professions, Trades, and Offices.

XXI. An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same.

XXII. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*.

XXIII. An Act to shorten the Time required for assembling Parliament after a Dissolution thereof.

XXIV. An Act for the Amendment of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Amendment of the Laws with respect to Wills*.

XXV. An Act to amend an Act for Registering Births, Deaths, and Marriages in *England*.

XXVI. An Act to enable Her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships.

XXVII. An Act to Amend the Law of Evidence in *Scotland*.

XXVIII. An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the Direction of Public Works and Buildings; and to vest the Buildings appropriated for the Accommodation of the Supreme Courts of Justice in *Edinburgh* in the Commissioners of Her Majesty's Works and Public Buildings.

XXIX. An Act to empower the Commissioners of Her Majesty's Works and Public Buildings to inclose and lay out *Kennington Common* in the County of *Surrey* as Pleasure Grounds for the Recreation of the Public.

XXX. An Act to empower the Commissioners of Her Majesty's Customs to acquire certain Lands and Houses in the Borough of *Belfast*, for the Purpose of erecting a Custom House and other Offices and Buildings required for the Public Service in the said Borough.

XXXI. An Act to legalize the Formation of Industrial and Provident Societies.

XXXII. An Act to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in *Scotland*.

XXXIII. An Act to confirm certain Provisional Orders made under an Act of the last Session, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls."

XXXIV. An Act to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Scutch Mills for Flax in *Ireland*.

XXXV. An Act to Amend an Act passed in the last Session of Parliament, intituled *An Act to regulate certain Proceedings in relation to the Election of Representative Peers for* Scotland.

XXXVI. An Act to Amend the Law relating to the certifying and registering Places of Religious Worship of Protestant Dissenters.

XXXVII. An Act to continue the Poor Law Commission for *Ireland*.

XXXVIII. An Act to explain Two Acts of the Twelfth and Thirteenth Years of the Reign of Her Majesty, concerning the Appointments of Overseers, and the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs.

XXXIX. An Act to remove Doubts as to the Lands and Casual Revenues of the Crown in the Colonies and Foreign Possessions of Her Majesty.

XL. An Act for carrying into execution an Agreement for the Sale of Property belonging to Her Majesty, in right of Her Crown and of Her Duchy of *Lancaster*, to the Commissioners of Inland Revenue; and for enabling such Commissioners to dispose of their present Chief Office and other Property in the City of *London*.

XLI. An Act to provide a Burial Ground for the Township of *Huddersfield* in the County of *York*.

XLII. An Act to confirm certain Provisional Orders of the General Board of Health, and to amend the Public Health Act, 1848.

XLIII. An Act to repeal certain Disabilities under the First of *George* the First, Chapter Thirteen, and the Sixth of *George* the Third, Chapter Fifty-three.

XLIV. An Act to amend and consolidate the Laws relating to the Carriage of Passengers by Sea.

XLV. An Act for making a Turnpike Road between *Stone Creek* and *Sunk Island* Church in the County of *York*, and between *Sunk Island* Church and *Patrington Haven*, and for consolidating with such Roads the present Turnpike Road from *Sunk Island* Church to *Ottringham*, and for constructing Quays and Wharfs at *Stone Creek*.

XLVI. An Act to amend an Act of the Eleventh Year of King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy.

XLVII. An Act to enable Her Majesty to abolish otherwise than by Treaty, on Condition of Reciprocity, Differential Duties on Foreign Ships.

XLVIII. An Act for the Amendment of the Law respecting the Property of Lunatics.

XLIX. An Act to extend the Provisions of the several Acts passed for the Conveyance of Sites for Schools.

L. An Act to consolidate and amend the Laws relating to the Militia in *England*.

LI. An Act to extend the Provisions of the Acts for the Commutation of Manorial Rights, and for the gradual Enfranchisement of Lands of Copyhold and Customary Tenure.

LII. An Act to enable Colonial and other Bishops to perform certain Episcopal Functions under Commission from Bishops of *England* and *Ireland*.

LIII. An Act to provide for the Exercise of certain Powers vested in the Bishop of *Quebec* in respect of Districts severed from his Diocese.

LIV. An Act further to facilitate and arrange Proceedings in the County Courts.

LV. An Act to extend the Provisions of "The Trustee Act, 1850."

LVI. An Act for regulating the Qualifications of Pharmaceutical Chemists.

LVII. An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament.

LVIII. An Act to continue certain Turnpike Acts in *Great Britain*.

LIX. An Act to continue the Poor Law Board.

LX. An Act to continue an Act of the Twelfth Year of Her present Majesty, for Amending the Laws relating to Savings Banks in *Ireland*.

LXI. An Act to amend the Laws relating to Summary Proceedings for Penalties and Forfeitures under the Acts relating to the Excise.

LXII. An Act to alter and amend certain Acts relating to the Woods, Forests, and Land Revenues of the Crown.

LXIII. An Act to amend the Laws relating to the Valuation of rateable Property in *Ireland.*

LXIV. An Act to continue and amend the Metropolitan Sewers Act.

LXV. An Act to continue and amend an Act passed in the Fourteenth Year of the Reign of Her present Majesty, to consolidate and amend the Laws relating to Friendly Societies.

LXVI. An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland.*

LXVII. An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in *Ireland.*

LXVIII. An Act for the Application of certain Money accrued from Fines and Forfeitures in *Ireland* in aid of certain distressed Unions and Electoral Divisions in that Country.

LXIX. An Act to confirm certain Provisional Orders of the General Board of Health.

LXX. An Act for authorizing the Occupation of the House of Correction recently erected by and for the City of *London* at *Holloway* in the County of *Middlesex.*

LXXI. An Act to amend an Act of the Ninth and Tenth Years of Her present Majesty for the Embankment of a Portion of the River *Thames.*

LXXII. An Act to grant a Representative Constitution to the Colony of *New Zealand.*

LXXIII. An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius, in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts.

LXXIV. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quarter-masters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXV. An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

LXXVI. An Act to amend the Process, Practice, and Mode of Pleading in the Superior Courts of Common Law at *Westminster,* and in the Superior Courts of the Counties Palatine ot *Lancaster* and *Durham.*

LXXVII. An Act to abolish the Office of Lord Chancellor's Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.

LXXVIII. An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to complete Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace.*

LXXIX. An Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land.

LXXX. An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court.

LXXXI. An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in *England* and *Wales.*

LXXXII. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-two, and to appropriate the Supplies granted in this Session of Parliament.

LXXXIII. An Act for amending the Law for granting Patents for Inventions.

LXXXIV. An Act to make better Provision respecting the Supply of Water to the Metropolis.

LXXXV. An Act to amend the Laws concerning the Burial of the Dead in the Metropolis.

LXXXVI. An Act to amend the Practice and Course of Proceeding in the High Court of Chancery.

LXXXVII. An Act for the Relief of the Suitors of the High Court of Chancery.

LXXXVIII. An Act to remove Doubts as to the Constitution of the Bishopric of *Christchurch* in *New Zealand,* and to enable Her Majesty to constitute such Bishopric and to subdivide the Diocese of *New Zealand.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for repealing the Act relating to the *Mansfield* Gaslight Company, and for conferring upon the Company further and additional Powers; and for other Purposes.

ii. An Act for the Incorporation, Establishment, and Regulation of the Patent Solid Sewerage Manure Company, and for enabling the said Company to purchase and work Letters Patent.

iii. An Act for establishing a Public Library, Museum, and Gallery of Arts at *Liverpool,* and to make Provision for the Reception of a Collection of Specimens illustrative of Natural History presented by the Earl of *Derby* for the Benefit of the Inhabitants of the Borough of *Liverpool* and the Neighbourhood thereof, and others resorting thereto.

iv. An Act for repealing the *Wolverhampton* Gas

Act, 1847, and for reconstituting the Company with additional Powers; and for other Purposes.

v. An Act to amend an Act for draining certain Fen Lands and Low Grounds in the Parish of *Yaxley* in the County of *Huntingdon*, and to remove certain Doubts, and facilitate the Execution of the said Act.

vi. An Act for providing a covered Market in the Borough of *Scarborough* in the County of *York*, for improving the approaches thereto, for removing the present Market, and for regulating the Markets and Fairs in such Borough.

vii. An Act for enabling the Company of Proprietors of the *East London* Waterworks to raise a further sum of Money; and for other purposes.

viii. An Act to repeal the *Barnsley* Gas Act, and to make other Provisions in lieu thereof, and to authorize the raising of a further Sum of Money.

ix. An Act to extend the Powers of the Act relating to the *Yeovil* Branch of the *Bristol and Exeter* Railway, and to authorize a Deviation in the Line of such Branch Railway.

x. An Act for the Improvement of the Municipal Borough of *Macclesfield*.

xi. An Act for providing a convenient Place or Fair Green, with proper Approaches thereto, for holding Fairs for the Sale of Cattle and other Animals, Wool, and Flax, in the Province of *Munster* at or near the City of *Limerick*, and for regulating such Fairs.

xii. An Act for improving, diverting, and maintaining as Turnpike the Road leading from *Skipton* to *Craco* in the Parish of *Burnsal*, all in the West Riding of the County of *York*.

xiii. An Act to authorize the *Portsea Island* Gaslight Company to raise a further Sum of Money.

xiv. An Act for better lighting with Gas the Borough of *Derby* and its Neighbourhood, and for other Purposes.

xv. An Act to repeal *An Act for lighting with Gas the Town of* Belfast *and the Suburbs thereof*, and to make other Provisions for that Purpose.

xvi. An Act to enable the *Vale of Neath* Railway Company to construct certain Extensions of their Lines of Railway, and for other Purposes.

xvii. An Act to Repeal an Act passed in the Sixth Year of the Reign of King *George* the Fourth, entituled *An Act for amending, improving, and maintaining the Road from* Lockwood *to* Meltham, *and the Branch of Road to* Meltham Mills, *all in the Parish of* Almondbury *in the West Riding of the County of* York, and for the widening and better maintaining and repairing the said Road, and for other Purposes.

xviii. An Act for the Extension of the Boundaries of the Municipal Borough of *Stockton* in the Borough of *Durham;* and for transferring to the Corporation of the said Borough the Properties and Effects now vested in certain Commissioners having Jurisdiction in the Township of *Stockton;* and to provide for the better draining, cleansing, paving, watching, lighting, and otherwise improving the said Borough.

xix. An Act for increasing the Capital of the *Stockton and Darlington* Railway Company, and for other Purposes.

xx. An Act for the Establishment of a new Market in *Barnstaple*, and for the Improvement and Regulation of the existing Markets and Fairs therein.

xxi. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Newport*, in the *Isle of Wight* to raise Monies for the Improvement of the Navigation of the River *Medina*, within the Borough, and to alter and amend certain ancient Tolls and Duties payable to the said Mayor, Aldermen, and Burgesses.

xxii. An Act for making a Canal from the *Droitwich* Canal at *Droitwich* in the County of *Worcester*, to join the *Worcester and Birmingham* Canal at or near *Hanbury Wharf* in the Parish of *Hanbury* in the same County, and to be called the *Droitwich Junction* Canal.

xxiii. An Act for supplying the Inhabitants of the Township of *Ilkley* in the West Riding of the County of *York* with Water.

xxiv. An Act for reviving and continuing the Powers granted by the *Great Southern and Western* Railway (*Ireland*) Extension, *Portarlington* to *Tullamore*, Act, 1847, for the compulsory Purchase of Lands and Completion of Works.

xxv. An Act for defining and regulating the Capital of the *Norfolk* Railway Company, and for authorizing Arrangements with the *Halesworth, Beccles, and Haddiscoe* Railway Company, and for other Purposes.

xxvi. An Act for enabling the *Dudley* Waterworks Company to raise a further Sum of Money, and for amending the Provisions of the Act relating to such Company.

xxvii. An Act for better supplying with Water the Boroughs of *Sunderland* and *South Shields* and other Places in the County of *Durham*.

xxviii. An Act for establishing a Market and for providing a Market House and Slaughterhouses at *Aberdare* in the County of *Glamorgan*.

xxix. An Act to amend an Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*, for inclosing Lands in the Hamlet of *Thetford* in the *Isle of Ely*, and for draining certain Lands in the said Hamlet and in other Parishes in the said Isle, so far as relates to such draining.

xxx. An Act to enable the *Eastern Counties* Railway Company to construct a Railway to the River *Nene* or *Wisbech River* below *Wisbech*, in lieu of a Portion of the Railway authorized by "The *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," and to erect Warehouses in connexion with such Railway; and for other Purposes.

xxxi. An Act to amend an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable the Magistrates of the County Palatine of* Chester *to appoint Special High Constables for the several Hundreds or Divisions, and Assistant Petty Constables for the several Townships of that County*.

xxxii. An Act for paving, lighting, watching, draining, supplying with Water, cleansing, regulating, and otherwise improving the Township of *Rhyl* in the County of *Flint*, for making a Cemetery, and for establishing and regulating a Market and Market Places therein.

xxxiii. An Act to enable the *Eastern Counties* Railway Company to construct Branch Railways to the *East and West India Docks* and *Birmingham Junction* Railway, and to enlarge and improve their Goods Station in the Parish of *Saint Matthew Bethnal Green;* and for other Purposes.

xxxiv. An Act for the Dissolution of the "*Union Arcade* Company" (*Glasgow*), and for the Abandonment of the Undertaking.

xxxv. An Act to enable the *Cork and Bandon* Railway Company to raise further Capital, and to make Arrangements with respect to their present Capital and Mortgage Debt; and for other Purposes.

xxxvi. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make a Deviation in the Line of their *Thirsk and Malton* Branch; and to enable the *Malton and Driffield Junction* Railway Company to subscribe towards and enter into Agreements with respect to the said Branch; and for other Purposes.

xxxvii. An Act for enabling the *Malton and Driffield Junction* Railway Company to subscribe towards the Construction of the *Thirsk and Malton* Branch of the *York, Newcastle, and Berwick* Railway, and to make Arrangements as to their Capital; and for other Purposes.

xxxviii. An Act to amend and extend the Provisions of the Act relating to "The *London and Southampton* Turnpike Road through *Bishops Waltham*," and to create a further Term therein; and for other Purposes.

xxxix. An Act to repeal the Act for more effectually repairing the Road leading from the *High Street* in the Town of *Arundel* in the County of *Sussex* to the Turnpike Road leading from *Petworth* to *Stopham* on *Fittleworth Common* in the said County, and to make other Provisions in lieu thereof.

xl. An Act for managing and repairing the Turnpike Road leading from the Eastern Side of a certain Bridge called *Spittle Hill Bridge* over *Moorgate Beck* in the Parish of *Clarborough* in the County of *Nottingham* to *Littleborough Ferry* in the same County.

xli. An Act to amend the Acts relating to the *Dundalk and Enniskillen* Railway, and to extend the same from *Ballybay* to *Enniskillen.*

xlii. An Act for incorporating the *Deptford* Gaslight and Coke Company.

xliii. An Act to consolidate and amend the Acts relating to the *Londonderry and Coleraine* Railway Company; and to authorize the said Company to contribute towards the Construction of a new Bridge over the River *Foyle* and other Works at *Londonderry.*

xliv. An Act to consolidate and amend the Acts relating to the *Londonderry and Enniskillen* Railway Company, and to grant further Powers to the said Company for the Extension and Completion of the Railway, and for other Purposes.

xlv. An Act to amend the Acts relating to the *Forth and Clyde* Navigation, to alter the Place of Meeting, and to make further Provision for the Management of the Affairs of the Company of Proprietors of the said Navigation.

xlvi. An Act to enable *Cary Charles Elwes,* Esquire, to construct Waterworks for the Supply of Water to *Glamford Briggs* and the Neighbourhood thereof in *Lincolnshire.*

xlvii. An Act for further amending the Local and Personal Acts, Ninth and Tenth of *Victoria,* Chapter One hundred and twenty-seven, and Tenth and Eleventh of *Victoria,* Chapter Two hundred and sixty-one, relating to the *Liverpool* Corporation Waterworks; and for authorizing Deviations, and the Construction of Reservoirs; and for other Purposes.

xlviii. An Act for incorporating the *Aberdeen* Fire and Life Assurance Company, by the Name of "The *Scottish* Provincial Assurance Company;" for enabling the said Company to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Company.

xlix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Sheffield* to make certain Bridges over the River *Dun,* Roads, Streets, and other Works, all within the Borough of *Sheffield.*

l. An Act for better paving, draining, lighting, cleansing, supplying with Water, regulating in regard to Markets, Interments, Hackney Carriages, and other Purposes, and otherwise improving the Borough of *Cheltenham* in the County of *Gloucester.*

li. An Act to confirm an Agreement therein mentioned between the *Eastern Counties* Railway Company and the *Newmarket* Railway Company.

lii. An Act for repairing and managing the Roads leading from *Porthdinllaen,* by way of *Tan-y-Graig, Pwllheli, Llanystymdwy,* and *Cerrig-y-Rhwydwr,* to or near *Capel Cerrig,* and from *Pwllheli* aforesaid, by way of *Crugan,* to the Village of *Llanbedrog,* all in the County of *Caernarvon.*

liii. An Act for the better Regulation of the *British Empire* Mutual Life Assurance Company; for enabling the said Company to take and hold Property; and for other Purposes relating to the said Company.

liv. An Act for more effectually repairing the Roads leading from *Romsey* to *Stockbridge* and *Wallop,* and other Roads therein mentioned, in the County of *Southampton.*

lv. An Act for the Establishment of a Turnpike Road from *Southam* to *Kineton,* both in the County of *Warwick.*

lvi. An Act for the Amalgamation of the Accidental Death Insurance Company and the Railway Assurance Company, and for enabling such amalgamated Company to insure against Death or other personal Injury arising from Accident or Violence.

lvii. An Act for amalgamating the *East and West Yorkshire Junction* Railway Company with the *York and North Midland* Railway Company, and for vesting the Undertaking of the former Company in that of the latter, and for other Purposes.

lviii. An Act to explain and amend the Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water.

lix. An Act for continuing the Term and amending and extending the Provisions of the Acts relating to the *Haw Passage Bridge* in the County of *Gloucester.*

lx. An Act to repeal the Acts relating to the Road from the Town of *Bedford* in the County of *Bedford* to *Kimbolton* in the County of *Huntingdon,* and to substitute other Provisions.

lxi. An Act for enabling the *Deeside* Railway Company to alter the Line and Levels of Part of their Railway, and to abandon Parts thereof; for altering the Capital of the Company, and repealing and amending the Act relating thereto; and for other Purposes.

lxii. An Act for constructing a Bridge across the River *Kelvin* near *Hillhead, Glasgow,* in the County of *Lanark,* with Approaches and Works.

lxiii. An Act for making a Railway from *Highbridge* to *Glastonbury* in the County of *Somerset,* to be called "The *Somerset Central* Railway;" and for other Purposes.

lxiv. An Act for regulating the Markets and Fairs and the Tolls and Customs of the Borough of *Athlone.*

lxv. An Act to enable The *Newmarket* Railway Company to make certain Alterations in the Levels of their Railway, and to construct a new Line of Railway between *Newmarket* in the County of *Cambridge* and *Bury St. Edmunds* in the County of *Suffolk;* to alter their Capital; and for other Purposes.

lxvi. An Act for reclaiming from the Sea certain Lands on and near the Eastern and South-eastern Coast of *Essex.*

lxvii. An Act for supplying the Borough of *Lancaster* in the County Palatine of *Lancaster* and adjacent Places with Water, and for other Purposes.

lxviii. An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of *Runcorn* and certain Parts of the Township of *Halton* in the County of *Chester,* for regulating the Markets therein, and for other Purposes.

lxix. An Act for better lighting with Gas the Town of *Saint Helen's,* the Hamlet of *Hardshaw-cum-Windle,* and the several Townships of *Windle, Parr, Eccleston,* and *Sutton,* all in the Parish of *Prescot* in the County Palatine of *Lancaster.*

lxx. An Act for better supplying with Water the Town of *Ulverston* in the County of *Lancaster,* and other Purposes.

lxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Abbey Tintern* and *Bigswear* Roads.

lxxii. An Act for effecting Improvements in the City of *London.*

lxxiii. An Act for making a Railway from the *Middlesbrough and Redcar* Railway near *Middlesbrough* to or near to *Guisbrough,* with Branches to *Cleveland Hills,* and for making Arrangements with the *Stockton and Darlington* Railway Company.

lxxiv. An Act for more effectually repairing the Road from *Sharples* to *Hoghton* in the County of *Lancaster.*

xxv. An Act for more effectually repairing the Road leading from *North Shields* to *Morpeth Castle,* and several Branches of Road communicating therewith, all in the County of *Northumberland.*

lxxvi. An Act for supplying the Inhabitants of the Town of *Merthyr Tidfil* and adjacent places with Water.

lxxvii. An Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof.

lxxviii. An Act for the Dissolution of the *Glasgow, Kilmarnock, and Ardrossan* Railway Company, and the Abandonment of their Undertaking, and for other Purposes.

lxxix. An Act to renew the Term and continue and enlarge the Powers of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from* Shillingford *in the County of* Oxford, *through* Wallingford *and* Pangborne, *to* Reading *in the County of* Berks, *and for repairing and maintaining a Bridge over the River* Thames *at or near* Shillingford Ferry.

lxxx. An Act to enable the *Portrush* Harbour Company to improve the Navigation of the River *Bann* from the *Salmon Leap* at *Castleroe* above the Town of *Coleraine* to the Sea, and remove the Bar and Ford at *Bann Mouth,* and to erect a Swivel Bridge at *Coleraine,* all in the County of *Londonderry.*

lxxxi. An Act for maintaining the Road from *Beach Down,* near *Battle,* to *Heathfield,* and from the Railway Station near the Town of *Robertsbridge* to *Hood's Corner,* all in the County of *Sussex.*

lxxxii. An Act for granting further Powers to the *London* Gaslight Company; and for other Purposes.

lxxxiii. An Act to empower the *Manchester, Sheffield, and Lincolnshire* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Company.

lxxxiv. An Act to enable the *Eastern Counties* and *London and Blackwall* Railway Companies to construct a Railway with Branches to *Tilbury* and *Southend* in the County of *Essex,* to provide a Steam Communication to *Gravesend,* and for other Purposes.

lxxxv. An Act for more effectually repairing the Road from *Stockport* in the County Palatine of *Chester* to *Marple Bridge* in the said County; and a Branch from the said Road to or near *Thornset Gate* in the County of *Derby.*

lxxxvi. An Act to repeal the Acts and Parts of Acts relating to the *Pedmore* and *Holly Hall* Districts of Roads, and to substitute other Provisions for the same.

lxxxvii. An Act to repeal the Act for making and maintaining a Turnpike Road from *Stroud* to *Bisley,* and to make other Provisions in relation thereto.

lxxxviii. An Act to amend and extend the Provisions of the *Macclesfield and Buxton* Road Act, to create a Term of Twenty-one Years, and for other Purposes.

lxxxix. An Act for maintaining the Turnpike Road leading from *Kirkby Stephen* in the County of *Westmoreland* into the *Sedburgh and Kirkby Kendal* Turnpike Road, and out of and from the same Turnpike Road to *Hawes* in the North Riding of the County of *York,* and a Branch from *Hawes* aforesaid to the Village of *Gayle* in the Township of *Hawes.*

xc. An Act for maintaining in repair the Road leading from the *Lord Nelson* Public House upon the Road between *Burnley* and *Colne* in the Township of *Marsdon* in the Parish of *Whalley* in the County Palatine of *Lancaster* to *Gisborne* in the West Riding of the County of *York,* and from thence to the Road leading from *Skipton* to *Settle* at or near *Long Preston* in the said West Riding of the County of *York.*

xci. An Act for maintaining in repair the Road from *Bury* to *Bolton* in the County Palatine of *Lancaster.*

xcii. An Act to repeal an Act for maintaining and repairing the Turnpike Road from *Bramley* in the County of *Surrey* to *Ridgewick* in the

County of *Sussex*, and to make other Provisions in lieu thereof.

xciii. An Act to repeal the Act for repairing and maintaining the *Wakefield and Denby Dale* Turnpike Road, and to make other Provisions in lieu thereof.

xciv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Rotherham and Pleasley* Turnpike Road.

xcv. An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at *Thornton Junction* Station to the Town of *Leven*, with Branches to *Kirkland* Works and to the Harbour of *Leven*.

xcvi. An Act to enable the *Lancashire and Yorkshire* and *York and North Midland* Railway Companies to enter into Arrangements as to the working and Management of Portions of their Railways.

xcvii. An Act for more effectually repairing the Road from the Town of *Beaconsfield* to the River *Colne* all in the County of *Buckingham*.

xcviii. An Act for enabling the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to lease their Undertaking to the *London and North-western* and the *Midland* Railway Companies.

xcix. An Act to repeal an Act for repairing the Road from *Kettering* to the Town of *Northampton* in the County of *Northampton*, and to substitute other Provisions in lieu thereof.

c. An Act to confer additional Facilities for the Insurance of Railway Passengers and other Persons by "The Railway Passengers Assurance Company."

ci. An Act to amend an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Holehouse *or* Riding *near* Greenfield *in* Saddleworth, *to join the* Stayley *Turnpike Road, and also to join the* Halifax and Sheffield *Turnpike Road, all in the West Riding of the County of* York; and to continue the Term thereby granted.

cii. An Act for enabling the *Leeds* Waterworks Company to provide a better Supply of Water to the Town and Neighbourhood of *Leeds*.

ciii. An Act for merging the Undertaking of the *Reading, Guildford, and Reigate* Railway Company in the Undertaking of the *South-eastern* Railway Company; for the Dissolution of the *Reading, Guildford, and Reigate* Railway Company; and for other Purposes.

civ. An Act for the Establishment, Maintenance, and Management of Markets in the Borough of *Limerick*.

cv. An Act to authorize the Conversion of the Debenture Debt of the *London and North-western* Railway Company into a Stock not exceeding Three and a Half *per Centum;* and for enlarging the Stations at *Wolverton* and *Kilburn*.

cvi. An Act for the Construction of a new Bridge over the River *Foyle* at *Londonderry* and Approaches thereto.

cvii. An Act for the Formation of a new Street in the Borough of *Londonderry*.

cviii. An Act to enable the *Eastern Counties* Railway Company to use the *East Anglian* Railways, and to empower the *Eastern Counties* Railway Company and the *East Anglian* Railways Company to enter into and carry into effect Agreements for certain Objects therein mentioned; and for other Purposes.

cix. An Act to consolidate and amend certain of the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof.

cx. An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River *Tyne*, and the River Police, and for transferring the Powers of the said Act to the *Tyne* Improvement Commissioners; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of *Durham* and *Northumberland*, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes.

cxi. An Act for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*.

cxii. An Act for the Incorporation of the Society for providing Annuities for the Widows and Children of Presbyterian Ministers, under the Style and Title of "The Presbyterian Widows Fund Association."

cxiii. An Act to enable the Trustees of the *Yeovil* Turnpike Trust and the *Ilchester* Turnpike Trust to make certain new Roads, to repeal existing Acts, and create further Terms in the said Roads; and for other Purposes.

cxiv. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make a deviation in the Line of their *Bishop Auckland* Branch, to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*, and for other Purposes.

cxv. An Act for repairing the Road from *Leek* in the County of *Stafford* to *Monyash*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton* in the County of *Derby*, and thence to *Otterhole*, and certain Branches of Road communicating therewith.

cxvi. An Act to consolidate and amend the Acts relating to the *Ipswich* Dock, to allow certain Drawbacks, and for other Purposes.

cxvii. An Act to enable the *South Wales* Railway Company to construct new Railways to *Milford Haven* and at *Newport*, and to abandon Portions of the Lines from *Fishguard* and at *Haverfordwest;* and for other Purposes.

cxviii. An Act for making a Railway from the *Lancashire and Yorkshire* Railway in the Township of *Bowling* near *Bradford* to the Railway belonging to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or One of them, in the Township of *Wortley* near *Leeds*, all in the West Riding of the County of *York*, to be called The *Leeds, Bradford, and Halifax Junction* Railway, and for other Purposes.

cxix. An Act for maintaining the Road from *Blackburn* to *Preston* and the Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River *Ribble*, all in the County Palatine of *Lancaster*.

cxx. An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from* Preston *to*

Garstang *in the County of* Lancaster; and to make other Provisions in lieu thereof.

cxxi. An Act for making further Provision for the Conservancy of the Port and Harbour of *Belfast*, for conferring additional Powers on the *Belfast* Harbour Commissioners, and for other Purposes.

cxxii. An Act for maintaining and improving the *Blythe and Tyne* Railway in the County of *Northumberland*, and for incorporating the Subscribers thereto.

cxxiii. An Act to repeal the Act relating to the Road from the Town of *Kingston-upon-Thames* in the County of *Surrey* to *Sheetbridge* near *Petersfield* in the County of *Southampton;* and to make other Provisions in lieu thereof.

cxxiv. An Act for the Incorporation, Establishment, and Regulation of the *North British* Flax Company, and to enable the said Company to purchase and work certain Letters Patent.

cxxv. An Act for incorporating and giving Powers to the *Frome, Yeovil, and Weymouth* Railway Company, and for other Purposes.

cxxvi. An Act for enabling the *Monmouthshire* Railway and Canal Company to make certain new Railways, and for other Purposes.

cxxvii. An Act for enabling the *York and North Midland* Railway Company to make a Railway to the *Victoria* or *East* Dock at *Hull*, and for other Purposes.

cxxviii. An Act for constituting Commissioners for the Improvement of the River *Nene* and the Navigations thereof; for the more effectual Drainage of certain Lands in the Counties of *Northampton, Huntingdon,* and *Cambridge;* and for other Purposes.

cxxix. An Act to amend an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually making, repairing, and improving certain Roads leading to and from* Liskeard, *and certain other Roads therein mentioned, in the Counties of* Cornwall *and* Devon; and for other Purposes.

cxxx. An Act for the Conservancy of the River *Humber*, and for amending some of the Provisions of an Act relating to the *Kingston-upon-Hull* Docks.

cxxxi. An Act to extend and amend the Provisions of the Act relating to the *Wedmore* Turnpike Road in the County of *Somerset*, to create a further Term therein, and for other Purposes.

cxxxii. An Act for abandoning certain Parts of the Undertaking of the *Lancashire and Yorkshire* Railway Company; for constructing certain new Works, and extending the Time for Completion of existing Works; and for Sale of superfluous Lands; for regulating certain Portions of the Capital of the Company and the Application of Capital; and for authorizing the raising of Money by Annuities; and for other Purposes.

cxxxiii. An Act to confer on the *Great Western* Railway Company further Powers for the Purchase of Lands on the Lines of, and for the Construction of, the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways respectively; and for the Alteration of the Works of Part of the last-mentioned Railway; and for the Formation of an Extension Line of Railway at *Wolverhampton;* and for other Purposes.

cxxxiv. An Act for more effectually maintaining and keeping in repair the Road from *Cambridge* to *Ely*, and other Roads therein mentioned, in the Counties of *Cambridge* and *Norfolk*.

cxxxv. An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *North-western* Railway Company; for extending the Time for constructing certain Parts of their Undertaking; and granting further Powers to the said Company; and for other Purposes.

cxxxvi. An Act for the Reduction of Dues on Shipping and Goods payable to the Mayor, Aldermen, and Burgesses of *Kingston-upon-Hull*, the *Hull Trinity House*, and the Dock Company at *Kingston-upon-Hull* respectively.

cxxxvii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Deviation in the authorized Line to *Longford*, and a Branch Railway to the Town of *Cavan*, and for other Purposes

cxxxviii. An Act for the better Establishment of a Market at *Torquay* in the County of *Devon*, and for other Purposes.

cxxxix. An Act to repeal the Acts relating to the *Asthall and Buckland* Turnpike Road, and to make other Provisions in lieu thereof.

cxl. An Act for enabling the Completion of the *Wilts, Somerset, and Weymouth* Railway between *Frome* and *Weymouth* to be effected, and for authorizing and confirming Contracts between the *Great Western* Railway Company and the *Kennet and Avon* Canal Company and other Companies, and for other Purposes.

cxli. An Act for incorporating *Claussen*'s Patent Flax Company, and to enable the said Company to purchase and work certain Letters Patent.

cxlii. An Act for enabling the Amalgamation of the *Stockton and Hartlepool* Railway Company and the *Hartlepool* West Harbour and Dock Company, and for authorizing the Lease or Purchase of the *Clarence* Railway by the *Stockton and Hartlepool* Railway Company or the amalgamated Company, and for consolidating the Acts relating to the same Companies; and for other Purposes.

cxliii. An Act for the Improvement of the Borough of *Cork*.

cxliv. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct certain Branch Railways.

cxlv. An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; to extend the Time for the Completion of the Works, and the Purchase of certain Lands; to authorize Deviations in the Line and Works, and the Construction of certain Branches and Works; and for other Purposes.

cxlvi. An Act to authorize the *Shrewsbury and Chester* Railway Company to construct additional Branches; to purchase or hire Steamboats; and for other Purposes.

cxlvii. An Act to revive and extend the Time for the Execution of certain Powers conferred by "The *Wycombe* Railway Act, 1846;" and for reducing the Capital of the *Wycombe* Railway Company; and for enabling the Company to enter into Arrangements with the *Great Western* Railway Company; and for other Purposes.

cxlviii. An Act for enabling the *Eastern Union* Railway Company to make Arrangements with certain of their Creditors and Shareholders, and with respect to their Capital, and for granting additional Powers to the Company; and for other Purposes.

cxlix. An Act to incorporate the *London* Necropolis and National Mausoleum Company, and to enable such Company to establish a Cemetery in the Parish of *Woking* in the County of *Surrey*, and for other Purposes.

cl. An Act for constructing a Cemetery near to *Torquay* in the County of *Devon.*

cli. An Act to repeal the *Wexford* Harbour Improvement Act, and to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking thereby authorized, and for other Purposes.

clii. An Act to appoint Commissioners for the Execution of certain Improvements in the Navigation of the River *Slaney*, and for other Purposes.

cliii. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to transfer their Undertaking to the *Great Northern* Railway Company.

cliv. An Act to repeal the Acts relating to the *Exeter* and the *Countess Wear* Turnpike Roads, and to make other Provisions in lieu thereof, and to authorize the Construction of certain new Roads; and for other Purposes.

clv. An Act for the Transfer of the Undertaking of the *British* Gas Light Company to the *Commercial* Gas Company, and for other Purposes.

clvi. An Act for extending the *Chelsea* Waterworks, and for better supplying the City of *Westminster* and Parts adjacent with Water.

clvii. An Act for enabling the *Grand Junction* Waterworks Company to obtain a Supply of Water from the *Thames* at *Hampton*, and to construct additional Works, and for other Purposes.

clviii. An Act for making divers Provisions with respect to the *Southwark and Vauxhall* Water Company, for empowering that Company to execute additional Works, and for other Purposes.

clix. An Act for enabling the Company of Proprietors of the *West Middlesex* Waterworks to obtain by Agreement a Supply of Water from the *Thames* above the Reach of the Tide, and to raise further Capital, and for other Purposes.

clx. An Act to enable the Governor and Company of the *New River* to improve their Supply of Water; and for other Purposes.

clxi. An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct Waterworks; and for other Purposes.

clxii. An Act for the Conservancy, Improvement, and Regulation of the River *Tees*, the Construction of a Dock at *Stockton*, the Dissolution of the *Tees* Navigation Company, and other Purposes.

clxiii. An Act to define and amend the Mineral Customs and to make better Provision for the Administration of Justice in the Barmote Courts within the Soke and Wapentake of *Wirksworth*, and within the Manors or Liberties of *Crich*, *Ashford*, *Stoney Middleton*, and *Eyam*, *Hartington*, *Litton*, *Peak Forest*, *Tideswell*, and *Youlgrave*, in the County of *Derby*.

clxiv. An Act for making divers Provisions with respect to the *East London* Water Works Company, for empowering that Company to execute additional Works, and for other Purposes.

clxv. An Act to authorize the Use by the *Shrewsbury and Birmingham* Railway Company of the *Navigation Street* Station in *Birmingham*, and for other Purposes.

clxvi. An Act for making a Railway or Tramroad from the *Aberllefenny* Slate Quarries in the Parish of *Talyllyn* in the County of *Merioneth* to the River *Dovey* in the Parish of *Towyn* in the same County, with Branches therefrom; and for other Purposes.

clxvii. An Act to consolidate into one Act and to amend the Provisions of the several Acts relating to the *Birkenhead*, *Lancashire*, *and Cheshire Junction*, Railway Company, to define the Undertaking of the Company, and for other Purposes.

clxviii. An Act to authorize Traffic Arrangements between the *Great Western*, the *Shrewsbury and Hereford*, and the *Hereford*, *Ross*, *and Gloucester* Railway Companies.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the Improvement and better Management and eventual Leases or Saleof the Piece Halls in the Town of *Bradford* of the County of *York;* and to incorporate the Proprietors thereof.

2. An Act for enabling the Trustee or Trustees of the Will of the Right Honourable *Anna Maria* Dowager Lady *Wenlock* deceased to sell and dispose of a Leasehold Messuage, with the Statuary and Household Furniture by the same Will bequeathed as therein mentioned.

3. An Act to unite the *Manchester* House of Recovery with the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum.

4. An Act for authorizing the Sale of the *Bowden Park* Estate in the County of *Wilts*, devised and settled by the Will of *Ezekiel Harman*, Esquire, Deceased, and certain Codicils thereto, and for laying out the Surplus of the Money produced by such Sale, after payment of a Mortgage affecting the same, in the Purchase

of other Estates to be settled to the same Uses.

5. An Act to authorize the granting of Leases of Estates devised by the Will of *John Clarkson*, Esquire, deceased, situate in the Counties of *Middlesex* and *Surrey*.

6. An Act to enable the Trustees of the Right Honourable *James* Earl of *Fife* deceased to sell and convey the Estate of *Balmoral* in the County of *Aberdeen* to His Royal Highness Prince *Albert* of *Saxe Coburg* and *Gotha*, and to grant Feus of Parts of the Estates vested in them.

7. An Act to explain and amend the Powers of the Governors of the Hospital in *Edinburgh* founded by *George Watson*, Merchant Burgess, of *Edinburgh*.

8. An Act to enable *Francis Adams* Esquire, or other the Committee of the Estate of *Mary Shute Adams* a Person of unsound mind, for and in the Name and on behalf of the said *Mary Shute Adams*, to consent to the Exercise of certain Powers contained in the Marriage Settlement of the said *Francis Adams*, and in a certain Act of Parliament passed in the First Year of the Reign of Her present Majesty, and to exercise the Power of appointing new Trustees contained in the said Settlement; and for extending the Powers of Sale and Exchange contained in such Settlement.

9. An Act for enabling Leases and Sales to be made of Estates subject to the Will of *Micah Gelding* deceased, and for other Purposes, and to be called "*Gelding's* Estate Act, 1852."

10. An Act to enable the President and Scholars of the College of *Saint Mary Magdalen* in the University of *Oxford*, as Owners in Fee of Lands at *Wandsworth* in the County of *Surrey*, to grant Building Leases; and for other Purposes.

11. An Act to incorporate the Society of the Craft of Smiths and Hammermen of the Burgh of *Aberdeen;* to confirm, amend, and regulate the Administration of the Estates and Affairs of the said Society; and for other Purposes relating to the Society.

12. An Act to authorize the Sale of the *Leith Exchange Buildings*, and the Application of the Price thereof in the Extinction of Debts affecting the same; to distribute and appropriate any Balance that may arise from said Sale; and to wind up the Concern.

13. An Act to enable *John Eden Spalding* Esquire, under the Authority of the Judges of the Court of Session in *Scotland*, to raise Money by Sale or upon Security of the Estate of *Holm* and other Lands in the Stewartry of *Kirkcudbright*, for discharging certain Debts and Liabilities of the said *John Eden Spalding;* and for other Purposes.

14. An Act for the Regulation and Management of the Charity founded by *Thomas Howell* in or about the Year One thousand five hundred and forty, and for other Purposes.

15. An Act for enabling the Trustees of the Settlement of *Cary Charles Elwes* Esquire to grant Building and other Leases of Land, and to make Improvements on the settled Estates in the County of *Lincoln*, and to purchase Waterworks in the Town of *Glamford Briggs*.

16. An Act for enabling the Trustees of the settled Estates of the Right Honourable *Henry John Reuben* Earl of *Portarlington* situate in the County of *Dorset* to lay out the Monies arising under the Exercise of the Powers of Enfranchisement and Sale and Exchange contained in the Settlement of the same Estates in the Purchase of other Estates in *England*, *Wales*, or *Ireland*, in lieu of being restricted to laying out the same Monies in the Purchase of Estates in *England* or *Wales*, as directed by the said Settlement.

17. An Act for the Regulation of the Charity founded by *George Jarvis*, for the benefit of the poor Inhabitants of the several Parishes of *Stanton-upon-Wye*, *Bredwardine*, and *Letton*, all in the County of *Hereford;* and for other Purposes.

18. An Act for enabling Leases, Sales, and Exchanges to be made of the Family Estates in the County of *Southampton* of the Reverend Sir *John Barker Mill* Baronet, and for other Purposes, and to be called "*Barker's Mill's* Estate Act, 1852."

19. An Act for enabling Leases, Sales, and Exchanges to be made of the Family Estates in the *Isle of Wight* and elsewhere in the County of *Southampton*, of *John Brown Willis Fleming* Esquire, and for other Purposes, and of which the short Title is "*Fleming's* Estate Act, 1852."

20. An Act to enable the Infant Tenants in Tail of the Estates in the County of *York* subject to the Will of *Thomas Thornhill* of *Fixby* in the said County, Esquire, deceased, to grant Building and other Leases of Parts of the said Estates, and to sell or exchange the same, and for other Purposes.

21. An Act for appointing and incorporating Trustees for the Management of the Boys and Girls Hospitals of *Aberdeen* as One Institution, and for vesting the Estates and Revenues thereof in such Trustees, and for better managing such Estates and Revenues, and for other Purposes connected therewith.

PRIVATE ACT,

NOT PRINTED.

22. An Act to dissolve the Marriage of *Septimus Moore Hawkins* Esquire with *Harriette Lavinia Hawkins* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIFTH SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM,

15° & 16° VICTORIA,

1852.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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G. Woodfall and Son, Printers, Angel Court, Skinner Street, London.

UL - 9 AUG 1961